STATUTORY INSTRUMENTS

2025 No. 114

TERMS AND CONDITIONS OF EMPLOYMENT

The Transfer of Undertakings (Protection of Employment) (Transfer of Staff to the Civil Nuclear Police Authority) Regulations 2025

Made - - - -	*4th February 2025*
Laid before Parliament	*6th February 2025*
Coming into force - -	*17th March 2025*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 38(1) of the Employment Relations Act 1999(**a**).

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Transfer of Undertakings (Protection of Employment) (Transfer of Staff to the Civil Nuclear Police Authority) Regulations 2025 and come into force on 17th March 2025.

(2) These Regulations extend to England and Wales and Scotland.

(3) In these Regulations—

"gas facility" means a facility used for the purposes of, or for purposes connected with, the transportation of gas from a gas shipper to a gas transporter or gas supplier;

"gas shipper" means the holder of a licence under section 7A(2) of the Gas Act 1986(**b**);

"gas supplier" means the holder of a licence under section 7A(1) of the Gas Act 1986;

"gas transporter" means the holder of a licence under section 7 of the Gas Act 1986(**c**);

"the transfer date" means 1st April 2025;

"the transferee" means the Civil Nuclear Police Authority(**d**);

"the transferor" means the Ministry of Defence;

"the TUPE Regulations" means the Transfer of Undertakings (Protection of Employment) Regulations 2006(**e**).

(**a**) 1999 c. 26; section 38 was amended by S.I. 2019/536. The terms used in section 38(1) are defined in section 38(2).
(**b**) 1986 c. 44; section 7A was inserted by section 6(1) of the Gas Act 1995 (c. 45).
(**c**) Section 7 was substituted by section 5 of the Gas Act 1995. It was amended by sections 3(2) and 76 of and Schedules 6 (Part 1, paragraph 4) and 8 to the Utilities Act 2000 (c. 27), section 149(5) of the Energy Act 2004 (c. 20) and S.I. 2011/2704.
(**d**) The Civil Nuclear Police Authority is a body corporate established under section 51 of the Energy Act 2004. Under section 52 of that Act, the Civil Nuclear Police Authority has the function of securing the maintenance of a constabulary known as the Civil Nuclear Constabulary. The Civil Nuclear Police Authority is the employer of members of the Civil Nuclear Constabulary, under section 55 of that Act.
(**e**) S.I. 2006/246, to which there are amendments not relevant to these Regulations.

Application of Regulations

2. These Regulations apply to any person who—

(a) immediately before the transfer date is employed by the transferor for the principal purpose of carrying out activities connected to a policing service provided by the Ministry of Defence Police(**a**) at or in relation to a gas facility, and

(b) has been notified by the transferor before the transfer date that they are to transfer to the employment of the transferee, and

(c) has not after receiving the notification in paragraph (b) and before the transfer date—

(i) informed the transferor that they object to becoming employed by the transferee, or

(ii) been notified by the transferor that they are no longer to transfer to the employment of the transferee.

Transfer of employment

3.—(1) Any person to whom these Regulations apply is on the transfer date transferred to the employment of the transferee.

(2) The contract of employment of a person whose employment has transferred to the transferee under paragraph (1)—

(a) is not terminated by the transfer, and

(b) has effect from the transfer date as if originally made between that person and the transferee.

(3) All the rights, powers, duties and liabilities of the transferor under, or in connection with, the contract of employment of any person whose employment transfers to the transferee under paragraph (1) are transferred to the transferee on the transfer date.

(4) Any act or omission before the transfer date of, or in relation to, the transferor in respect of that person's contract of employment is on and after the transfer date deemed to have been an act or omission of, or in relation to, the transferee.

(5) Paragraphs (3) and (4) do not transfer, or otherwise affect, the liability of any person to be prosecuted for, convicted of or sentenced for any offence.

(6) Paragraph (7) applies to a person—

(a) to whom these Regulations apply, and

(b) who is immediately before the transfer date a member of the Ministry of Defence Police.

(7) Any person to whom this paragraph applies is to hold office on and after the transfer date as a member of the Civil Nuclear Constabulary as if they had—

(a) been appointed by the transferee in accordance with section 55(1) of the Energy Act 2004(**b**), and

(b) on appointment made the declaration required by section 55(3) and (4) of that Act.

(8) Where the transfer involves or would involve a substantial change in working conditions to the material detriment of the person whose employment is or would have transferred under paragraph (1)—

(a) that person may treat the contract of employment as having been terminated, and

(b) that person is to be treated for any purpose as having been dismissed by their employer.

(**a**) The Ministry of Defence Police is a police force established under section 1 of the Ministry of Defence Police Act 1987 (c. 4).

(**b**) 2004 c. 20; section 55 was amended by paragraph 11 of Schedule 7 to the Policing and Crime Act 2009 (c. 26).

(9) No damages are to be payable by the transferor or the transferee as a result of a dismissal falling within paragraph (8), in respect of any failure by the transferor or the transferee to pay wages to a person in respect of a notice period which the person has failed to work.

(10) This regulation does not affect any right of a person arising other than under this regulation to terminate that person's contract of employment without notice in acceptance of a repudiatory breach of contract by that person's employer.

Pensions

4. A person whose contract of employment is transferred by regulation 3 is to be treated as if regulation 10 of the TUPE Regulations (pensions) applied in relation to that transfer, with the modifications that—

(a) in regulation 10(1) of the TUPE Regulations, for the reference to regulations 4 and 5 of those Regulations there were substituted a reference to regulation 3 of these Regulations, and

(b) in regulation 10(3) of the TUPE Regulations, for the reference to an employee whose contract of employment is transferred in the circumstances described in regulation 4(1) of those Regulations there were substituted a reference to an employee whose employment is transferred under regulation 3(1) of these Regulations.

Michael Shanks
Parliamentary Under Secretary of State
Department for Energy Security and Net Zero

4th February 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the transfer of employment of certain persons employed by the Ministry of Defence to the Civil Nuclear Police Authority on 1st April 2025. The Civil Nuclear Police Authority is a body corporate established under section 51 of the Energy Act 2004 (c. 20). The Civil Nuclear Police Authority employs members of the Civil Nuclear Constabulary, a constabulary which the Civil Nuclear Police Authority is responsible for maintaining under section 52 of that Act.

These Regulations provide for employment protection similar to that provided by certain provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) (the "TUPE Regulations").

Regulation 2 specifies the persons to whom these Regulations apply.

Regulation 3 provides for the transfer of employment of those to whom the Regulations apply, and the effects of this on their contracts of employment. It also provides for those who are members of the Ministry of Defence Police immediately before the transfer to become members of the Civil Nuclear Constabulary. Regulation 3 makes similar provision to that contained in paragraphs (1), (2), (6) and (9) to (11) of regulation 4 of the TUPE Regulations.

Regulation 4 applies (with modifications to reflect these Regulations) the provisions of regulation 10 of the TUPE Regulations in relation to pensions so as to exclude certain rights and liabilities in relation to occupational pension schemes.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum has been published alongside these Regulations on www.legislation.gov.uk.

© Crown Copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-826854-6

9 780348 268546

£5.78

http://www.legislation.gov.uk/id/uksi/2025/114