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**Changes to legislation:** Water Act 2003, SCHEDULE 3 is up to date with all changes known to be in force on or before 17 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 3

Section 36(6)

#### FURTHER PROVISIONS ABOUT TRANSFERS OF FUNCTIONS, PROPERTY ETC

##### *Preliminary*

- 1 In this Schedule—
- “transfer” means—
- (a) a transfer of functions under section 36 to the Authority, or
  - (b) a transfer of property, rights and liabilities to the Authority or to the Council under section 36, and
- “transfer scheme” means a transfer scheme under section 36.

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##### **Commencement Information**

- I1** Sch. 3 para. 1 in force at 1.4.2005 by S.I. 2005/968, art. 2(e)

##### *Contents of transfer schemes*

- 2 (1) The property, rights and liabilities which may be transferred by a transfer scheme include property, rights and liabilities that would not otherwise be capable of being transferred or assigned.
- (2) The transfers authorised by sub-paragraph (1) include transfers which are to take effect as if there were no such contravention, liability or interference with any interest or right as there would otherwise be by reason of any provision having effect (whether under any enactment or agreement or otherwise) in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.

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##### **Commencement Information**

- I2** Sch. 3 para. 2 in force at 1.4.2005 by S.I. 2005/968, art. 2(e)

- 3 A transfer scheme may define the property, rights and liabilities to be transferred by specifying them or describing them or by referring to all (or all except anything specified or described) of the property, rights and liabilities comprised in a specified part of the undertaking of the transferor (or partly in one way and partly in the other).

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##### **Commencement Information**

- I3** Sch. 3 para. 3 in force at 1.4.2005 by S.I. 2005/968, art. 2(e)

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- 4 A transfer scheme may include such supplementary, incidental, transitional and consequential provision as the Secretary of State considers appropriate.

**Commencement Information**

**I4** Sch. 3 para. 4 in force at 1.4.2005 by S.I. 2005/968, art. 2(e)

*Modification of transfer scheme after appointed day*

- 5 (1) If, after the day appointed by a transfer scheme, the transferor and transferee so agree in writing, the scheme shall for all purposes be deemed to have come into force on that day with such modifications as may be agreed.
- (2) An agreement under this paragraph may, in connection with giving effect to modifications to the scheme, include incidental, supplemental, consequential and transitional provision.
- (3) In this paragraph, “modifications” includes additions, alterations and omissions.

**Commencement Information**

**I5** Sch. 3 para. 5 in force at 1.4.2005 by S.I. 2005/968, art. 2(e)

*Effect of transfers*

- 6 (1) Anything done by the transferor for the purpose of or in connection with anything transferred which is in effect immediately before it is transferred shall be treated as if done by the transferee.
- (2) A transfer does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.

**Commencement Information**

**I6** Sch. 3 para. 6 in force at 1.4.2005 by S.I. 2005/968, art. 2(e)

- 7 There may be continued by or in relation to the transferee anything (including legal proceedings) relating to anything transferred which is in the process of being done by or in relation to the transferor immediately before it is transferred.

**Commencement Information**

**I7** Sch. 3 para. 7 in force at 1.4.2005 by S.I. 2005/968, art. 2(e)

- 8 The transferee shall be substituted for the transferor in any document relating to anything transferred.

**Commencement Information**

**I8** Sch. 3 para. 8 in force at 1.4.2005 by S.I. 2005/968, art. 2(e)

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*Continuity of employment, etc of transferred employees*

- 9 Where a person employed in the civil service of the state becomes an employee of the Council under a transfer scheme, his period of employment in that service counts as a period of employment with the Council for the purposes of the Employment Rights Act 1996 (c. 18) (and the change of employer does not break the continuity of the period of employment for those purposes).

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**Commencement Information**

**19** Sch. 3 para. 9 in force at 1.4.2005 by S.I. 2005/968, art. 2(e)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)