SCHEDULES

SCHEDULE 5

TRANSFERS OF STAFF

PART II

STAFF EMPLOYED BY THE PERSON APPOINTED TO LEVY TOLLS

Application of Employment Transfer Regulations

3 (1) For the purposes of **[**[F1]the Transfer of Undertakings (Protection of Employment) Regulations 2006**]** section 14 of this Act shall be treated (without prejudice to any effect it may have for those purposes apart from this sub-paragraph) as effecting on the termination of the appointment of the person appointed under section 11 of this Act to levy tolls a transfer to which those regulations apply of an undertaking in which all persons who immediately before termination were employees of that person were then employed.

(2) In their application in relation to any transfer of an undertaking effected, or treated by virtue of sub-paragraph (1) above as effected, by section 14 of this Act, those regulations shall be subject to paragraph 4 below.

Textual Amendments

F1 Words in Sch. 5 para. 3(1) substituted (with application in accordance with reg. 21(1) of the amending S.I.) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), reg. 1(2), **Sch. 2 para. 5(2)**

Preservation of pensions, etc.

4 **[**[F2]Regulation 10**]** of **[**[F3]the Transfer of Undertakings (Protection of Employment) Regulations 2006**]** shall not apply—

(a) in relation to the contract of employment of any person employed in the undertaking; or

(b) in relation to any collective agreement in its application in relation to any person so employed.

Textual Amendments

F2 Words in Sch. 5 para. 4 substituted (with application in accordance with reg. 21(1) of the amending S.I.) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), reg. 1(2), **Sch. 2 para. 5(3)**

F3 Words in Sch. 5 para. 4 substituted (with application in accordance with reg. 21(1) of the amending S.I.) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), reg. 1(2), **Sch. 2 para. 5(2)**

5 (1) Without prejudice to the operation of those regulations by virtue of paragraph 4 above and to any effect that sections 14 and 15 of this Act may have apart from this paragraph, any rights and liabilities of the person appointed under any agreement or arrangement for the payment of pensions, allowances or gratuities to or in respect of persons who are or have been employed by him are on the termination of his appointment transferred to, and vest in, the Secretary of State by virtue of this paragraph.

(2) Accordingly—

(a) references to the person appointed in any such agreement or arrangement, and in any other agreement, deed, bond, instrument or other document whatsoever relating to or affecting any such rights or liabilities, shall be taken after termination as referring to the Secretary of State ; and

(b) for the purposes of any such agreement or arrangement as it has effect after termination any period of employment with any person which immediately before termination falls to be taken into account for any purposes of that agreement or arrangement shall count as a period of employment with the Secretary of State.

Changes to legislation:
There are currently no known outstanding effects for the Dartford-Thurrock Crossing Act 1988, Part II.