

SCHEDULES

SCHEDULE 2

RESTRUCTURING SCHEMES

The Transfer of Undertakings (Protection of Employment) Regulations 1981

- 7 (1) The 1981 regulations shall apply to any transfer of any undertaking or part of an undertaking in accordance with a restructuring scheme or modification agreement as if (in so far as that would not otherwise be the case) the references in those regulations to the transferor were references to the person in whom that undertaking or part was vested immediately before the coming into force of the transfer.
- (2) Nothing in the preceding provision of this Schedule shall authorise the making of any provision modifying the operation of the 1981 regulations in relation to any such transfer as is mentioned in sub-paragraph (1) above.
- (3) It shall be the duty of the Secretary of State, before making a restructuring scheme or approving a modification agreement, to give such notice of his proposals to such persons as he considers appropriate for enabling any provisions of the 1981 regulations applicable to any transfer in accordance with the scheme or agreement to be complied with by the person who for the purposes of the regulations is the transferor in relation to that transfer.
- (4) In this paragraph—
“the 1981 regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 1981; and
“undertaking” has the same meaning as in the 1981 regulations.
- (5) This paragraph shall be without prejudice to the provisions of Schedule 5 to this Act.