

Changes to legislation: Transport Act 2000, Cross Heading: Discharge of functions is up to date with all changes known to be in force on or before 21 April 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

SCHEDULES

SCHEDULE 6

TRANSFER SCHEMES

Discharge of functions

- 8 (1) Paragraphs 9 and 10 apply if—
- (a) provision is made by a transfer scheme for the transfer to a transferee of a specified part of a transferor’s undertaking, or
 - (b) provision is made by a transfer scheme (or transfer schemes) for the transfer to different transferees of different specified parts of a transferor’s undertaking.
- (2) It is immaterial whether or not the second condition set out in paragraph 1 is satisfied.
- (3) In paragraphs 9 and 10 references to the parties are to—
- (a) the transferee or transferees concerned, and
 - (b) the transferor (if he retains part of the undertaking).
- (4) Paragraphs 9 and 10 do not apply to rights or liabilities under a contract of employment.
- (5) Sub-paragraph (6) applies if at the time a transfer scheme comes into force a transferor or transferee under the scheme is—
- (a) a company which is wholly owned by the Crown;
 - (b) a company which is wholly owned by the CAA;
 - (c) a company which is a wholly owned subsidiary of a company falling within paragraph (a) or (b).
- (6) Paragraphs 9 and 10 cease to apply in relation to the scheme concerned at the time when the transferor or any one of the transferees under the scheme ceases to be a company which falls within any of paragraphs (a) to (c) of sub-paragraph (5).

Commencement Information

- II** Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

- 9 (1) The parties must, so far as practicable, make any written agreement and execute any other instrument necessary or expedient to—
- (a) give to any party (as against another or others) any rights and safeguards needed for carrying out the party’s functions;
 - (b) modify the division of the transferor’s undertaking in order to help the parties in carrying out their functions.
- (2) An agreement or instrument under sub-paragraph (1) may provide—

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- (a) for the granting of leases and for the creation of other rights and liabilities over land (whether or not amounting in law to interests in land and whether or not involving the surrender of any existing interest or the creation of a new interest);
 - (b) for the granting of indemnities in connection with the severance of leases and other matters;
 - (c) for responsibility for registration of any matter in any statutory register.
- (3) The duty under sub-paragraph (1) has effect before as well as after the coming into force of any transfer scheme concerned.

Commencement Information

I2 Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

- 10 (1) If the Secretary of State thinks it is unlikely that agreement will be reached on a matter where agreement is required under paragraph 9 he may serve a notice on the parties.
- (2) A notice may be served—
- (a) whether or not representations are made by a party;
 - (b) before or after the coming into force of any transfer scheme concerned.
- (3) A notice may specify the terms of the agreement which the Secretary of State thinks the parties should have made under paragraph 9 in relation to the matter concerned.
- (4) If a notice is served under this paragraph the parties are to be treated as having made an agreement in the terms specified.

Commencement Information

I3 Sch. 6 paras. 1-25 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

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

- [Blanket amendment words substituted by S.I. 2011/1043 art. 34](#)

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

- s. 146(1)(defn.)(a)(b) by [2000 c. 38 s. 274 Sch. 31 Pt. 2](#)
- s. 19(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 9(1C)(b) (as inserted) by [S.I. 2019/1245 reg. 25](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 131A(2)(a) words omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(i\)](#)
- s. 131A(2)(b) omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(ii\)](#)
- s. 131A(4) omitted by [2017 c. 21 Sch. 2 para. 13\(b\)](#)
- s. 131A(5)(b) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(i\)](#)
- s. 131A(5)(c) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(ii\)](#)
- s. 132B(1)(a) omitted by [2017 c. 21 Sch. 2 para. 19](#)
- Sch. 16 para. 34(4)(a)para. 34(4)(b)(c) repealed by [2005 c. 14 Sch. 13 Pt. 1](#)