

## SCHEDULES

### SCHEDULE 6

#### TRANSFER SCHEMES

##### *Identification*

- 4 (1) Paragraphs 5 to 7 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 5 to 7 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 5 to 7 do not apply to rights or liabilities under a contract of employment.
- 5 (1) The parties must, so far as practicable, make any written agreement necessary or expedient to identify what is to be taken to have been transferred to whom and what (if anything) is to be taken to have been retained.
- (2) The duty under sub-paragraph (1) has effect before as well as after the coming into force of any transfer scheme concerned.
- 6 (1) If the Secretary of State thinks it is unlikely that agreement will be reached on a matter where agreement is required under paragraph 5 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 5 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.
- 7 (1) This paragraph applies if—
- (a) an agreement made under paragraph 5, or
  - (b) an agreement treated as made by paragraph 6,
- contains provision to the effect that any property, right or liability is to be taken to have been transferred to a transferee.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The property, right or liability is to be treated as having been transferred to the transferee by the scheme concerned (or, if there are two or more schemes, such of them as the agreement specifies).