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**Changes to legislation:** Communications Act 2003, Cross Heading: Contents of transfer scheme is up to date with all changes known to be in force on or before 19 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

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## SCHEDULES

### SCHEDULE 2

#### TRANSFER SCHEMES

##### *Contents of transfer scheme*

- 1 (1) A transfer scheme—
  - (a) shall set out the property, rights and liabilities to be transferred by the scheme; and
  - (b) may make incidental, supplemental, consequential and transitional provision in connection with the transfer of that property and of those rights and liabilities.
- (2) The provisions of the scheme setting out the property, rights and liabilities to be transferred may do so in either or both of the following ways—
  - (a) by specifying them or describing them in particular; or
  - (b) by identifying them generally by reference to, or to a specific part of, an undertaking from which they are to be transferred.
- (3) The property, rights and liabilities that are to be capable of being transferred by a transfer scheme include—
  - (a) property, rights and liabilities that would not otherwise be capable of being transferred or assigned by the person from whom they are transferred;
  - (b) property acquired and rights and liabilities arising in the period after the making of the scheme and before it comes into force;
  - (c) rights and liabilities arising subsequently in respect of matters occurring in that period;
  - (d) property situated anywhere in the United Kingdom or elsewhere and rights and liabilities under the law of any part of the United Kingdom or of any place outside the United Kingdom; and
  - (e) rights and liabilities under an enactment.
- (4) The provision that may be made under sub-paragraph (1)(b) includes provision for the creation in favour of a pre-commencement regulator, the Secretary of State or OFCOM of rights or liabilities over or in respect of property transferred to OFCOM or property retained by a pre-commencement regulator or the Secretary of State.
- (5) The transfers to which effect may be given by a transfer scheme, and the rights that may be created by means of such a scheme, include transfers that are to take effect, and rights that are to arise, in accordance with the scheme as if there were—
  - (a) no such requirement to obtain a person's consent or concurrence,
  - (b) no such liability in respect of any contravention of any other requirement, and
  - (c) no such interference with any interest or right,

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as there would be, in the case of a transaction apart from this Act (whether under any enactment or agreement or otherwise), by reason of any provision having effect in relation to the terms on which a pre-commencement regulator or the Secretary of State is entitled or subject to any property, right or liability.

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**Commencement Information**

**II** Sch. 2 para. 1 in force at 18.9.2003 by [S.I. 2003/1900](#), art. 2(2), [Sch. 2](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

**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. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)