

SCHEDULES

SCHEDULE 13

Section 129

TRANSFER SCHEMES UNDER SECTION 129

- 1 (1) On the transfer date, the designated property, rights and liabilities that are to be transferred from the Oil and Pipelines Agency (“the transferor”) to the Secretary of State (“the transferee”) are transferred and vest in accordance with the scheme.
- (2) The rights and liabilities that may be transferred by a scheme include those arising under or in connection with a contract of employment.
- (3) A certificate by the Secretary of State that anything specified in the certificate has vested in the Secretary of State by virtue of a scheme is conclusive evidence for all purposes of that fact.
- (4) In this Schedule—
- “civil service” means the civil service of the state;
 - “designated”, in relation to a scheme, means specified in or determined in accordance with the scheme;
 - “property” includes interests of any description;
 - “the transfer date” means a date specified by a scheme as the date on which the scheme is to have effect;
 - “TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246).
- 2 (1) A scheme may make provision—
- (a) for anything done by or in relation to the transferor in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the transferee;
 - (b) for references to the transferor in any agreement (whether written or not), instrument or other document relating to any property, rights or liabilities transferred by the scheme to be treated as references to the transferee;
 - (c) about the continuation of legal proceedings;
 - (d) for transferring property, rights or liabilities which could not otherwise be transferred or assigned;
 - (e) for transferring property, rights and liabilities irrespective of any requirement for consent which would otherwise apply;
 - (f) for preventing a right of pre-emption, right of reverter, right of forfeiture, right to compensation or other similar right from arising or becoming exercisable as a result of the transfer of property, rights or liabilities;
 - (g) for dispensing with any formality in relation to the transfer of property, rights or liabilities by the scheme;
 - (h) for transferring property acquired, or rights or liabilities arising, after the scheme is made but before it takes effect;
 - (i) for apportioning property, rights or liabilities;

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

- (j) for creating rights, or imposing liabilities, in connection with property, rights or liabilities transferred by the scheme;
- (k) for requiring the transferee to enter into any agreement of any kind, or for a purpose, specified in or determined in accordance with the scheme;
- (l) if the TUPE regulations do not apply in relation to the transfer, make provision which is the same or similar.

(2) Sub-paragraph (1)(b) does not apply to references in primary legislation or in subordinate legislation.

3 For the purposes of this Schedule—

- (a) an individual who holds employment in the civil service is to be treated as employed by virtue of a contract of employment, and
- (b) the terms of the individual's employment in the civil service are to be regarded as constituting the terms of the contract of employment.