Changes to legislation: Transport Act 2000, Cross Heading: Identification is up to date with all changes known to be in force on or before 22 June 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

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.

Commencement Information

- I1 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)
- 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.

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)
- 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.

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- (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.

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

Commencement Information

I4 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 to legislation:

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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