

## SCHEDULE 3

Article 6

### Transfer schemes

#### Transfer schemes

1.—(1) The Secretary of State may make one or more property transfer schemes or staff transfer schemes in connection with the abolition of—

- (a) the Horserace Betting Levy Board<sup>(1)</sup>;
- (b) the Horserace Betting Levy Appeal Tribunal for England and Wales;
- (c) the Horserace Betting Levy Appeal Tribunal for Scotland<sup>(2)</sup>.

(2) In this Schedule—

- (a) a “permitted transferor” means a body listed in sub-paragraph (1)(a) to (c);
- (b) a “permitted transferee”, where the permitted transferor is the Horserace Betting Levy Board, means—
  - (i) the Gambling Commission, or
  - (ii) the designated body within the meaning of Part 17A of the Gambling Act 2005;
- (c) a “permitted transferee”, where the permitted transferor is a tribunal listed in sub-paragraph (1)(b) or (c), means—
  - (i) the Secretary of State,
  - (ii) the Gambling Commission, or
  - (iii) the designated body within the meaning of Part 17A of the Gambling Act 2005.

(3) A “property transfer scheme” is a scheme for the transfer from a permitted transferor of any property, rights or liabilities, other than rights or liabilities under or in connection with a contract of employment, to one or more permitted transferees.

(4) A “staff transfer scheme” is a scheme for the transfer from a permitted transferor of any rights or liabilities under or in connection with a contract of employment to one or more permitted transferees.

(5) The Secretary of State may not make a property transfer scheme under this Schedule unless satisfied that any property or rights transferred—

- (a) will be used or exercised for one or more of the purposes specified in section 338O(1) of the Gambling Act 2005, or
- (b) will be used or exercised in connection with the exercise of functions under Part 17A of that Act.

#### Supplementary

2.—(1) The things that may be transferred under a property transfer scheme or a staff transfer scheme include—

- (a) property, rights and liabilities that could not otherwise be transferred;
- (b) property acquired, and rights and liabilities arising, after the making of the scheme;
- (c) criminal liabilities.

(2) A property transfer scheme may transfer property, rights and liabilities which—

<sup>(1)</sup> The Horserace Betting Levy Board was established under section 24 of the Betting, Gaming and Lotteries Act 1963 (c. 2).

<sup>(2)</sup> The Horserace Betting Levy Appeal Tribunal for England and Wales, and the Horserace Betting Levy Appeal Tribunal for Scotland, were established under section 29 of the Betting, Gaming and Lotteries Act 1963.

- (a) do not exist when the scheme is made but do exist when the transfer takes effect, or
  - (b) become property, rights or liabilities of the permitted transferor after the scheme is made and before the transfer takes effect.
- (3) A property transfer scheme or a staff transfer scheme may make supplementary, incidental, transitional or consequential provision and may, in particular—
- (a) create rights, or impose liabilities, in relation to property or rights transferred;
  - (b) make provision about the continuing effect of things done by the permitted transferor in respect of anything transferred;
  - (c) make provision about the continuation of things (including legal proceedings) in the process of being done by, or on behalf of, or in relation to, the permitted transferor in respect of anything transferred;
  - (d) make provision for references to the permitted transferor in an instrument or other document in respect of anything transferred to be treated as references to the permitted transferee;
  - (e) dispense with a formality in relation to a transfer (whether or not it would otherwise be required by virtue of an enactment or instrument);
  - (f) dispense with a requirement for consent (whether arising under an enactment, an instrument or an agreement).
- (4) A property transfer scheme may make provision for the shared ownership or use of property.
- (5) A property transfer scheme or a staff transfer scheme may provide—
- (a) for the scheme to be modified by agreement after it comes into effect, and
  - (b) for such modifications to have effect from a date when the original scheme comes into effect.