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**Changes to legislation:** Higher Education and Research Act 2017, SCHEDULE 10 is up to date with all changes known to be in force on or before 14 March 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 10

Section 115

#### 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—
- (a) the establishment of the OfS or UKRI by this Act, or
  - (b) any of the following ceasing to exist by virtue of this Act—
    - (i) the Higher Education Funding Council for England,
    - (ii) the office of Director of Fair Access to Higher Education, or
    - (iii) a research council listed in section 109(1).
- (2) In this Schedule, a “permitted transferor” means the Secretary of State or a body or office listed in sub-paragraph (1)(b).
- (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 a permitted transferee.
- (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 a permitted transferee.
- (5) In this Schedule, a “permitted transferee” means—
- (a) the OfS,
  - (b) UKRI,
  - (c) the Secretary of State, or
  - (d) such other person as may be specified by the Secretary of State in the scheme.

##### *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 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;

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- (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.
- (3) A property transfer scheme may make provision for the shared ownership or use of property.
- (4) A staff transfer scheme may make provision which is the same as or similar to the TUPE regulations.
- (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 any such modifications to have effect from the date when the original scheme comes into effect.

#### *Interpretation*

- 3 (1) 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.
- (2) In this Schedule—
- (a) “civil service” means civil service of the State;
  - (b) “TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246);
  - (c) references to the transfer of property include references to the grant of a lease.

**Changes to legislation:**

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

- Sch. 10 para. 1 coming into force by [S.I. 2017/1146 reg. 2\(r\)](#) (This effect not applied to legislation.gov.uk. Sch. 10 is already in force at Royal Assent by virtue of the commencement of s. 115, see s. 124(1))
- Sch. 10 para. 2 coming into force by [S.I. 2017/1146 reg. 2\(r\)](#) (This effect not applied to legislation.gov.uk. Sch. 10 is already in force at Royal Assent by virtue of the commencement of s. 115, see s. 124(1))
- Sch. 10 para. 3 coming into force by [S.I. 2017/1146 reg. 2\(r\)](#) (This effect not applied to legislation.gov.uk. Sch. 10 is already in force at Royal Assent by virtue of the commencement of s. 115, see s. 124(1))

**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):

- Pt. A1 inserted by [2023 c. 16 s. 1](#)
- s. A4 and cross-heading inserted by [2023 c. 16 s. 2](#)
- s. A5A6 and cross-heading inserted by [2023 c. 16 s. 3](#)
- s. A7 and cross-heading inserted by [2023 c. 16 s. 4](#)
- s. 2(1)(aa)(ab) inserted by [2023 c. 16 s. 5\(1\)](#)
- s. 2(7A) inserted by [2023 c. 16 Sch. para. 2\(3\)](#)
- s. 8A inserted by [2023 c. 16 s. 6](#)
- s. 9(3A) inserted by [2022 c. 21 s. 16\(2\)](#)
- s. 10(3A) inserted by [2023 c. 40 s. 2\(2\)\(a\)](#)
- s. 10(6A) inserted by [2023 c. 40 s. 2\(2\)\(b\)](#)
- s. 10(7A) inserted by [2023 c. 40 s. 2\(2\)\(c\)](#)
- s. 10(7B)(7C) inserted by [2023 c. 40 s. 1\(2\)\(b\)](#)
- s. 11(1A)(1B) inserted by [2023 c. 40 s. 2\(3\)\(b\)](#)
- s. 11(2)(2A) substituted for s. 11(2) by [2023 c. 40 s. 2\(3\)\(c\)](#)
- s. 31(1)(1A) substituted for s. 31(1) by [2023 c. 40 s. 2\(4\)\(a\)](#)
- s. 31(2A)(2B) inserted by [2023 c. 40 s. 2\(4\)\(c\)](#)
- s. 31(4) inserted by [2023 c. 40 s. 4\(4\)\(e\)](#)
- s. 67B(3A) inserted by [2023 c. 16 Sch. para. 5\(3\)](#)
- s. 67C(3) inserted by [2023 c. 16 Sch. para. 6](#)
- s. 69A and cross-heading inserted by [2023 c. 16 s. 5\(2\)](#)
- s. 69C inserted by [2023 c. 16 s. 8\(1\)](#)
- s. 73(1A) inserted by [2023 c. 16 Sch. para. 7\(3\)](#)
- s. 73(4A) inserted by [2023 c. 16 Sch. para. 7\(6\)](#)
- s. 85(1A) inserted by [2022 c. 21 s. 16\(4\)\(b\)](#)
- s. 119(2)(ha)(hb) inserted by [2023 c. 40 s. 2\(6\)](#)
- Sch. 2 para. 5(4) inserted by [2023 c. 40 s. 2\(7\)](#)
- Sch. 2 para. 1-1I substituted for Sch. 2 para. 1 by [2023 c. 40 s. 1\(4\)](#)
- Sch. 6A inserted by [2023 c. 16 s. 8\(2\)](#)
- Sch. 7 para. 4(5) inserted by [2023 c. 16 Sch. para. 13\(6\)](#)