
Changes to legislation: There are currently no known outstanding effects for the High Speed Rail (London - West Midlands) Act 2017, Cross Heading: Transfer of employees and continuity of employment. (See end of Document for details)

SCHEDULES

SCHEDULE 31

TRANSFER SCHEMES: FURTHER PROVISION

Transfer of employees and continuity of employment

- 3 (1) This paragraph applies where rights, powers, duties and liabilities relating to a person's contract of employment are transferred in accordance with a transfer scheme.
- (2) The transfer does not break the continuity of the person's employment, and accordingly—
- (a) the person is not to be regarded for the purposes of Part 11 of the Employment Rights Act 1996 (redundancy) as having been dismissed by virtue of the transfer, and
 - (b) the person's period of employment with the transferor counts, for the purposes of that Act, as a period of employment with the transferee.
- 4 (1) This paragraph applies where—
- (a) a transfer scheme provides for the transfer of rights, powers, duties and liabilities relating to a person's contract of employment, but
 - (b) before the transfer takes effect, the person informs the transferor or transferee that the person objects to the transfer.
- (2) Those rights, powers, duties and liabilities are not transferred to the transferee.
- (3) The person's contract of employment is terminated immediately before the day on which the transfer would have occurred.
- (4) The person is not, for any purpose, to be regarded as having been dismissed.
- (5) Nothing in this paragraph affects the person's right to terminate the contract of employment if, apart from the change of employer, a substantial change is made to the person's detriment in his or her working conditions.
- 5 (1) If a transfer scheme provides for the transfer of rights, powers, duties and liabilities relating to a person's contract of employment, it may include provision with respect to the person's eligibility to become a member of a pension scheme by virtue of employment with the transferee.
- (2) The transfer scheme may include provision with respect to rights of, or rights or liabilities in respect of, the person under—
- (a) a pension scheme of which the person may become a member by virtue of employment with the transferee, or
 - (b) a pension scheme of which the person is a member by virtue of employment immediately before the transfer.

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- 6 Where a person holds employment in the civil service of the State on terms which do not constitute a contract of employment—
- (a) the person is to be treated for the purposes of this Schedule as employed under a contract of employment,
 - (b) the terms of the employment in the civil service of the State are to be treated for those purposes as the terms of that contract, and
 - (c) the reference in paragraph 4 to dismissal is to be read as a reference to termination of the employment in the civil service of the State.

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