

SCHEDULES

SCHEDULE 5

Section 6(3)

TRANSFER SCHEMES

- 1 (1) The Secretary of State may make one or more staff transfer schemes in connection with the establishment of the TRA by this Act.
- (2) A “staff transfer scheme” is a scheme providing for the transfer from the Secretary of State to the TRA of any rights or liabilities under or in connection with a contract of employment.
- 2 (1) A staff transfer scheme may, among other things, make provision—
 - (a) for the transfer of rights and liabilities that could not otherwise be transferred;
 - (b) for the transfer of rights and liabilities arising after the making of the scheme;
 - (c) which is the same as or similar to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246);
 - (d) creating rights, or imposing liabilities, in relation to rights or liabilities transferred;
 - (e) about the continuing effect of things done by the Secretary of State in respect of any rights or liabilities transferred;
 - (f) about the continuation of things (including legal proceedings) in the process of being done by, or on behalf of, or in relation to, the Secretary of State in respect of any rights or liabilities transferred;
 - (g) for references to the Secretary of State in an instrument or other document in respect of any rights or liabilities transferred to be treated as references to the TRA;
 - (h) that is supplementary, incidental, transitional or consequential.
- (2) 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.
- 3 For the purposes of this Schedule—
 - (a) an individual who holds employment in the civil service of the State 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 of the State are to be regarded as constituting the terms of the contract of employment.