

SCHEDULES

SCHEDULE 3

Section 6.

DELEGATION OF MINISTERIAL FUNCTIONS: TRANSFER SCHEMES

Power to make scheme

- 1 (1) A Minister of the Crown may make a scheme for the transfer from the Crown to one or more regional development agencies of such property, rights and liabilities as appear to him appropriate to be transferred in consequence of the delegation under section 6 of a function of his.
- (2) A Minister of the Crown may make a scheme for the transfer from one or more regional development agencies to the Crown of such property, rights and liabilities as appear to him appropriate to be transferred in consequence of the revocation of the delegation under section 6 of a function of his.

Contents of scheme

- 2 (1) The property, rights and liabilities which may be transferred by a transfer scheme include property, rights and liabilities that would not otherwise be capable of being transferred or assigned.
- (2) The transfers authorised by sub-paragraph (1) include transfers which are to take effect as if there were no such contravention, liability or interference with any interest or right as there would otherwise be by reason of any provision having effect (whether under any enactment or agreement or otherwise) in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.
- 3 A transfer scheme may define the property, rights and liabilities to be transferred by the scheme by specifying or describing them or by referring to all the property, rights and liabilities comprised in a specified part of the undertaking of the transferor (or partly in one way and partly in the other).
- 4 A transfer scheme may also contain provision—
 - (a) for the creation, in relation to property which the scheme transfers, of an interest in or right over the property in favour of the transferor;
 - (b) for the creation of any rights or liabilities as between two or more of the regional development agencies, or as between one or more of them and the Crown;
 - (c) for any rights or liabilities specified or described in the scheme to be, or to be to any extent, enforceable by or against two or more of the regional development agencies, or by or against one or more of them and the Crown;
 - (d) for imposing on any two or more of the regional development agencies, or on one or more of them and the Crown, an obligation to enter into written agreements with, or execute other instruments in favour of, each other.

Status: This is the original version (as it was originally enacted).

- 5 A scheme under paragraph 1(1) may also contain provision—
- (a) for the creation in favour of a regional development agency of an interest in or right over property retained by the Crown;
 - (b) for the creation in favour of one regional development agency of an interest in or right over property which the scheme transfers to another regional development agency.

6 A scheme under paragraph 1(2) may also contain provision for the creation in favour of the Crown of an interest in or right over property retained by a regional development agency.

7 A transfer scheme may make such supplemental, incidental and consequential provision as the Minister making it considers appropriate.

Effect of scheme

8 On the day appointed by a transfer scheme, the property, rights and liabilities which are the subject of the scheme shall, by virtue of this sub-paragraph, be transferred in accordance with the provisions of the scheme.

Effect of transfer by scheme of contracts of employment

9 (1) This paragraph applies where rights and liabilities under a contract of employment are transferred by a transfer scheme.

(2) Anything done by or in relation to the transferor in respect of the employee before the day of the transfer shall be treated on and after that day as done by or in relation to the transferee.

(3) For the purposes of the Employment Rights Act 1996, the employee's period of employment with the transferor shall count as a period of employment with the transferee, and the change of employment shall not break the continuity of the period of employment.

10 Where rights and liabilities under a contract of employment are transferred by a scheme under paragraph 1(2), the employee shall not be regarded for the purposes of Part XI of the Employment Rights Act 1996 (redundancy payments etc.) as having been dismissed by virtue of the transfer.

Modification of scheme

11 (1) If at any time after a transfer scheme has come into force, the Minister who made the scheme considers it appropriate to do so, having consulted any regional development agency which may be affected, he may by order provide that the scheme shall for all purposes be deemed to have come into force with such modifications, other than modifications relating to the transfer of rights and liabilities under a contract of employment, as may be specified in the order.

(2) An order under sub-paragraph (1) may make, with effect from the coming into force of the scheme, such provision as could have been made by the scheme, and in connection with giving effect to that provision from that time may contain such supplemental, consequential and transitional provision as the Minister making the order considers appropriate.

Status: This is the original version (as it was originally enacted).

- (3) The power to make an order under sub-paragraph (1) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Provision of information

- 12 A regional development agency shall provide a Minister of the Crown with all such information and other assistance as he may reasonably require for the purposes of or in connection with the exercise of any of the powers conferred on him by this Schedule.

Interpretation

- 13 In the application of this Schedule to a person employed in the civil service of the State—
- (a) any reference to employment is to employment in that service,
 - (b) any reference to a contract of employment is to the terms of that employment, and
 - (c) any reference to dismissal is to the termination of his employment in that service.