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**Changes to legislation:** There are currently no known outstanding effects for the Railways Act 2005, Cross Heading: Continuity of employment etc.. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### TRANSFER SCHEMES

##### *Continuity of employment etc.*

- 9 (1) Where in accordance with a scheme a person employed by a transferor becomes an employee of a transferee—
- (a) he is not to be regarded for the purposes of Part 11 of the Employment Rights Act 1996 (c. 18) as having been dismissed by virtue of the transfer;
  - (b) his period of employment with the transferor counts for the purposes of that Act as a period of employment with the transferee;
  - (c) the change of employment does not break the continuity of the period of employment either for the purposes of that Act or for the purposes of Schedule 11 to the 1993 Act (pensions); and
  - (d) in a case in which the transferee is not engaged in the railway industry, that person's period of employment with the transferee is to be disregarded for the purpose of determining whether the termination conditions under paragraph 8 of Schedule 11 to the 1993 Act are fulfilled in his case.
- (2) References in this paragraph to becoming an employee of the transferee and to employment with the transferee include references, respectively, to becoming and to being employed in the civil service of the state.

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#### **Commencement Information**

- 11** Sch. 2 para. 9 in force at 8.6.2005 for specified purposes by S.I. 2005/1444, art. 2(1), Sch. 1
- 12** Sch. 2 para. 9 in force at 24.7.2005 in so far as not already in force by S.I. 2005/1909, art. 2, Sch.

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