

## SCHEDULES

### SCHEDULE 3

Section 92

#### TRANSFER OF STAFF, PROPERTY ETC FROM THE OLD COMMISSION

##### *Transfer of staff*

- 1 For the purposes of TUPE—
- (a) the functions conferred on the Commission by this Act are to be treated as transferred to the Commission from the old Commission on the appointed day;
  - (b) that transfer of functions is to be treated as a transfer of an undertaking;
  - (c) each person who was, immediately before the appointed day, employed by the old Commission under a contract of employment is to be treated as employed in the undertaking immediately before the appointed day.
- 2 In paragraph 1 “TUPE” means the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794).

##### *Transfer of property, rights and liabilities*

- 3 All property, rights and liabilities to which the old Commission was entitled or subject immediately before the appointed day become on that day property, rights and liabilities of the Commission.
- 4 The reference in paragraph 3 to rights and liabilities does not include rights and liabilities under a contract of employment transferred by virtue of paragraph 1.
- 5 Paragraph 3 has effect in relation to property, rights and liabilities—
- (a) despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict their transfer by the old Commission;
  - (b) without any instrument or other formality being required.
- 6 Anything done by or in relation to the old Commission which has effect immediately before the appointed day is, so far as is necessary for continuing its effect after that day, to have effect as if done by or in relation to the Commission.
- 7 Anything (including legal proceedings) which immediately before the appointed day is in the process of being done by or in relation to the old Commission may be continued by or in relation to the Commission.
- 8 So far as is necessary or appropriate in consequence of paragraph 3, on and after the appointed day a reference to the old Commission in an enactment, instrument or other document is to be treated as a reference to the Commission.

##### *The appointed day*

- 9 The appointed day is the day on which section 92 comes into force.