

## SCHEDULES

### SCHEDULE 2

#### TRANSFER SCHEMES UNDER SECTION 1

##### *Contents of a scheme*

- 2 (1) A scheme under this Schedule may, in particular, make provision—
- (a) for anything done by or in relation to the transferor in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the transferee;
  - (b) for references (however expressed) to the transferor in any agreement, instrument or other document relating to property, rights or liabilities transferred by the scheme to be treated as references to the transferee;
  - (c) about the continuation of legal proceedings;
  - (d) for transferring property, rights or liabilities which could not otherwise be transferred or assigned;
  - (e) for transferring property, rights or liabilities irrespective of any requirement for consent which would otherwise apply;
  - (f) for preventing a right of pre-emption, right of reverter, right of forfeiture, right to compensation or other similar right from arising or becoming exercisable as a result of the transfer of property, rights or liabilities;
  - (g) for dispensing with any formality in relation to the transfer of property, rights or liabilities by the scheme;
  - (h) for transferring property acquired, or rights or liabilities arising, after the scheme is made but before it takes effect;
  - (i) for apportioning property, rights or liabilities;
  - (j) for creating rights, or imposing liabilities, in connection with property, rights or liabilities transferred by the scheme;
  - (k) for requiring the transferee to enter into any agreement of any kind, or for a purpose, specified in or determined in accordance with the scheme;
  - (l) that is the same as or similar to provision made by the Transfer of Undertakings (Protection of Employment) Regulations 2006 ([S.I. 2006/246](#)), if those Regulations do not apply to the transfer.
- (2) Sub-paragraph (1)(b) does not apply to references in any of the following—
- (a) an Act of Parliament;
  - (b) an Act of the Scottish Parliament;
  - (c) an Act or Measure of the National Assembly for Wales;
  - (d) Northern Ireland legislation;
  - (e) subordinate legislation within the meaning of the Interpretation Act 1978 (see section 21(1) of that Act);
  - (f) an instrument made under legislation of the kind mentioned in paragraph (b), (c) or (d).

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

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(3) In sub-paragraph (1)(b), “agreement” includes an agreement that is not in writing.