

**Changes to legislation:** There are currently no known outstanding effects for the Transport Act 1968, Cross Heading: Rights and liabilities under agreement for rendering of personal services. (See end of Document for details)

## SCHEDULES

### SCHEDULE 4 **U.K.**

#### SUPPLEMENTARY PROVISIONS AS TO CERTAIN TRANSFERS OF PROPERTY, RIGHTS AND LIABILITIES

##### Modifications etc. (not altering text)

- C1 Sch. 4 extended by [Transport Act 1978 \(c. 55\), s. 15\(3\)](#) and extended with modifications by [London Regional Transport Act 1984 \(c. 32, SIF 126\), ss. 27\(8\), 46\(6\), 47\(8\)](#)
- C1 Sch. 4 extended (with modifications) (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\), s. 85\(5\)–\(7\)](#)
- C1 Sch. 4 applied (with modifications) (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\), s. 129\(3\)–\(5\)](#)
- C1 Sch. 4 amended (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(1\), Sch. 6 para. 26](#)
- C1 Sch. 4 applied (E.W.S.) by [Airports Act 1986 \(c. 31, SIF 9\), s. 75\(3\)–\(6\)](#)
- C1 Power to modify Sch. 4 conferred (E.W.S.) by [Airports Act 1986 \(c. 31, SIF 9\), s. 75\(5\)](#)
- C1 Sch. 4 modified (E.W.S.) by [S.I. 1985/1903, art. 3 Sch. 1](#) and [S.I. 1986/1801 art. 3](#)
- C1 Sch. 4 applied (with modifications) by [Transport \(Scotland\) Act 1989 \(c. 23, SIF 126\), s. 6\(3\)](#)
- C1 Sch. 4 modified (6.12.1993) by [S.I. 1993/2797, art. 3, Sch.](#)

##### *Rights and liabilities under agreement for rendering of personal services*

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- (1) The provisions of this paragraph shall have effect where any rights and liabilities transferred under a transfer to which this Schedule applies are rights and liabilities under an agreement for the rendering of personal services.
  - (2) Where the transfer is of all property, rights and liabilities comprised in a specified part of the transferor's undertaking, the rights and liabilities under any agreement for the rendering of personal services by any person (hereafter in this paragraph referred to as "an employee") shall be transferred only if immediately before the transfer date the employee is employed wholly or mainly for the purposes of the part of the transferor's undertaking which is transferred.
  - (3) The transferor, the transferee or the employee may apply to the Minister to determine whether or not rights and liabilities in respect of the employee's services under any particular agreement are transferred, and the Minister's decision on the application shall be final.
  - (4) Any right to services transferred shall have effect on and after the transfer date as a right not only to the services to which the agreement relates but also to any reasonably comparable services under the transferee to be selected by the transferee; and any dispute between the transferee and the employee as to what are reasonably comparable services for the purposes of this sub-paragraph may be reported to the Secretary of State for Employment and Productivity by the transferee and, if a dispute so reported is not otherwise disposed of, that Secretary of State shall refer it for determination by the industrial court.

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