

SCHEDULES

SCHEDULE 1

PROVISIONS AS TO TRANSFERS OF PROPERTY, RIGHTS AND LIABILITIES

Rights and liabilities under contracts of employment

- 3 (1) The provisions of this paragraph shall have effect where a transfer to which this Schedule applies is a transfer of all property, rights and liabilities comprised in a prescribed part of the transferor's undertaking and it falls to be determined whether the rights and liabilities transferred include rights and liabilities under a particular contract of employment.
- (2) Rights and liabilities under the contract of employment 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 Secretary of State to determine whether or not rights and liabilities in respect of the employee's services under the contract of employment are transferred, and the Secretary of State's decision on the application shall be final.