

Status: Point in time view as at 08/09/2008.

Changes to legislation: Housing and Regeneration Act 2008, Cross Heading: Employment contracts is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

TRANSFER SCHEMES

Employment contracts

- 4 (1) This paragraph applies if rights and liabilities under a contract of employment are transferred by virtue of a scheme.
- (2) The contract of employment—
- (a) is not terminated by the transfer, and
 - (b) has effect from the transfer date as if made between the employee and the transferee.
- (3) The rights, powers, duties and liabilities of the transferor under or in connection with the contract are transferred to the transferee on the transfer date.
- (4) Anything done before the transfer date by or in relation to the transferor in respect of the contract or the employee is to be treated from that date as having been done by or in relation to the transferee.
- (5) In particular, a period of employment with the transferor is to be treated as a period of employment with the transferee (and the transfer is not to be treated as interrupting the continuity of that employment).
- (6) This paragraph is subject to paragraph 5.

Commencement Information

- II** [Sch. 6 para. 4](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\), 3\(1\)](#)

- 5 (1) Rights and liabilities under a contract of employment are not transferred by virtue of a scheme if the employee objects to the transfer and informs the transferor or transferee of that fact.
- (2) If the employee objects to the transfer and informs the transferor or transferee of that fact—
- (a) the employee's contract of employment is terminated immediately before the transfer date, but
 - (b) the employee is not to be treated, for any purpose, as having been dismissed by the transferor.

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Commencement Information

- I2** [Sch. 6 para. 5](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\), 3\(1\)](#)

- 6 If (apart from the change of employer) a substantial detrimental change is made to a person's working conditions, nothing in this Schedule affects any right the person has to terminate the person's contract of employment.

Commencement Information

- I3** [Sch. 6 para. 6](#) in force at 8.9.2008 as it applies in relation to, or makes provision about the tax implications of, schemes under ss. 51 and 65 by [S.I. 2008/2358](#), [arts. 2\(1\), 3\(1\)](#)

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