

Status: Point in time view as at 10/07/2018. This version of this schedule contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Financial Guidance and Claims Act 2018, SCHEDULE 2. (See end of Document for details)

SCHEDULES

VALID FROM 01/10/2018

SCHEDULE 2

Section 1

TRANSFER SCHEMES UNDER SECTION 1

Power to make transfer schemes

- 1
- (1) The Secretary of State may make one or more schemes providing for the transfer of designated property, rights and liabilities of the Secretary of State and the Pensions Advisory Service Limited to the single financial guidance body.
 - (2) The Secretary of State may make one or more schemes providing for the transfer of designated property, rights and liabilities of the consumer financial education body to the single financial guidance body and the devolved authorities.
 - (3) The rights and liabilities that may be transferred by a scheme include rights and liabilities under a contract of employment.
 - (4) For that purpose—
 - (a) an individual who holds employment in the civil service of the State is to be treated as employed by virtue of a contract of employment; and
 - (b) the terms on which the individual holds that employment are to be regarded as constituting the terms of that contract.
 - (5) In this Schedule—

“designated” means specified in, or determined in accordance with, the scheme;

“property” includes interests of any description.

Contents of a scheme

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- (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;

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- (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).

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

Modifications to a scheme

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- (1) The Secretary of State may modify a scheme made under this Schedule; but a modification relating to a transfer that has taken effect may be made only with the agreement of the person (or persons) affected by the modification.
 - (2) A modification takes effect from such date as the Secretary of State may specify (which may be the date when the original scheme came into effect).

Supplementary

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- A scheme may—
- (a) contain incidental, supplementary and consequential provisions;
 - (b) make transitory or transitional provision or savings;
 - (c) make different provision for different purposes;
 - (d) make provision subject to exceptions.

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