
Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Paragraph 4. (See end of Document for details)

SCHEDULES

SCHEDULE 9

INDEPENDENT SYSTEM OPERATOR AND PLANNER: TRANSFERS

PART 1

TRANSFER SCHEMES

Transfer of property, rights and liabilities

- 4 (1) This paragraph applies where, under a transfer scheme, an employee to whom the scheme applies becomes an employee of a transferee.
- (2) The transfer scheme may apply to—
- (a) all persons who are employees of a transferor,
 - (b) such descriptions of a transferor’s employees as the scheme may specify, or
 - (c) such employees of a transferor as the scheme may specify.
- (3) The transfer scheme may include provision—
- (a) that has the same or similar effect as the TUPE regulations (so far as those regulations do not apply to any extent in relation to the transfer);
 - (b) about the pension entitlements of the employee enjoyed immediately before the transfer.
- (4) The transfer scheme must contain provision enabling an employee to whom the scheme applies to object to the transfer before the relevant time, including provision as to how such an objection is to be made and as to the consequences of it.
- (5) The transfer scheme may provide that a person who is assigned to work for a transferor (whether on secondment or otherwise and whether or not on a full-time basis), but who does not have a contract of employment with the transferor, is to be treated for the purposes of any provision of the scheme as an employee of the transferor.
- (6) The transfer scheme may provide that a collective agreement that, immediately before the relevant time, had effect in relation to an employee’s employment with a transferor is to have effect on and after the relevant time in relation to the employee’s employment with a transferee.
- (7) In this paragraph—
- “collective agreement” has the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992 (see section 178(1) of that Act);
 - “employee” has the same meaning as in the TUPE regulations (see regulation 2(1) of the regulations);

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“the relevant time” means the time at which the transfer of the person’s employment takes effect in accordance with the transfer scheme.

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Commencement Information

II Sch. 9 para. 4 in force at Royal Assent, see [s. 334\(2\)\(h\)\(ii\)](#)

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