

### SCHEDULE 3 TRANSFERS OF STAFF AND PROPERTY

#### PART 1

##### STAFF TRANSFERS TO THE AUTHORITY AND THE AGENCY

###### *Effect on existing contracts of employment*

- 4 (1) This paragraph applies where—
- (a) a person is to be transferred by virtue of a staff transfer order under paragraph 2; and
  - (b) immediately before the transfer day, the person has a contract of employment with a police authority or joint police board (the “employer”).
- (2) On and after the transfer day the contract of employment has effect as if originally made between the person and the Authority.
- (3) On the transfer day the rights, powers, duties and liabilities of the employer under or in connection with the contract of employment of the person are transferred to the Authority.
- (4) Anything done before the transfer day by or in relation to the employer in respect of the contract of employment or the person is to be treated on and after that day as having been done by or in relation to the Authority.
- (5) If, before the transfer day, the person gives notice to the Authority or the person’s employer that the person objects to becoming a member of staff of the Authority—
- (a) the contract of employment with the employer is, on the day immediately preceding the day that would, but for the objection, have been the transfer day, terminated; and
  - (b) the person is not to be treated (whether for the purpose of any enactment or otherwise) as having been dismissed by virtue of the giving of such notice.
- (6) Nothing in this schedule prejudices any right of the person to terminate the contract of employment if a substantial detrimental change in the person’s working conditions is made.
- (7) The person has the right to terminate the contract of employment by virtue of the employer’s identity changing by virtue of the making of the staff transfer order only if it is shown that, in all the circumstances, the change is—
- (a) significant; and
  - (b) detrimental
- to the person.