

SCHEDULES

SCHEDULE 9

Section 74(3)

TRANSFERS TO SOCA OR NPIA

Interpretation

- 1 In this Schedule—
- “the Agency” means the Assets Recovery Agency;
 - “the Director” means the Director of the Assets Recovery Agency;
 - “NPIA” means the National Policing Improvement Agency; and
 - “transfer scheme” means a scheme made by the Secretary of State under this Schedule.

Director and staff of Agency

- 2 (1) A transfer scheme may provide for a person who is the Director or a member of staff of the Agency to become an employee of SOCA or NPIA.
- (2) If the person had a contract of employment before becoming an employee of SOCA or NPIA, the scheme may provide for that contract to have effect (subject to any necessary modifications) as if originally made between him and SOCA or (as the case may be) NPIA.
- (3) If the person did not have a contract of employment, the scheme may provide for the terms and conditions of his appointment or service to have effect (subject to any necessary modifications) as the terms and conditions of his contract of employment with SOCA or (as the case may be) NPIA.
- 3 (1) A transfer scheme may provide—
- (a) for any secondment by virtue of which a person serves as the Director or a member of staff of the Agency to have effect as a secondment to SOCA or NPIA; and
 - (b) for him to serve as a member of the staff of SOCA or (as the case may be) NPIA.
- (2) The scheme may make provision as to the terms and conditions which are to have effect as the terms and conditions of his secondment to SOCA or (as the case may be) NPIA.
- 4 (1) A transfer scheme may provide—
- (a) for the transfer to SOCA or (as the case may be) NPIA of the rights, powers, duties and liabilities of the employer under or in connection with the contract of employment of a person who becomes a member of the staff of SOCA or NPIA by virtue of the scheme;

Status: This is the original version (as it was originally enacted).

- (b) for anything done before that transfer by, or in relation to, the employer in respect of such a contract or the employee to be treated as having been done by, or in relation to, SOCA or (as the case may be) NPIA.
- (2) Sub-paragraph (1) applies with the necessary modifications in relation to a person who before becoming a member of the staff of SOCA or NPIA—
 - (a) did not have a contract of employment; or
 - (b) held an appointment by virtue of a secondment.
- (3) A transfer scheme may make provision for periods before a person became an employee of SOCA or NPIA to count as periods of employment with SOCA or (as the case may be) NPIA (and for the operation of the scheme not to be treated as having interrupted the continuity of that employment).
- 5 (1) A transfer scheme may provide for a person who—
 - (a) is the Director or a member of staff of the Agency; and
 - (b) would otherwise become a member of the staff of SOCA or NPIA by the operation of the scheme;
 not to become a member of the staff of SOCA or (as the case may be) NPIA if he gives notice objecting to the operation of the scheme in relation to him.
- (2) A transfer scheme may provide for any person who would be treated (whether by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.
- 6 (1) A transfer scheme may provide for the termination of an appointment as the Director or a member of staff of the Agency.
- (2) The Secretary of State may make a payment of such amount (if any) as he may determine to the person who held the appointment.

Property, rights and liabilities etc.

- 7 (1) A transfer scheme may provide for the transfer to SOCA or NPIA of property, rights and liabilities of the Director or the Agency.
- (2) The scheme may create rights, or impose liabilities, in relation to property, rights and liabilities transferred by virtue of the scheme.
- (3) The scheme may provide for things done by or in relation to persons to whom sub-paragraph (4) applies to be—
 - (a) treated as done by or in relation to SOCA or members of the staff of SOCA or (as the case may be) NPIA or members of the staff of NPIA;
 - (b) continued by or in relation to SOCA or members of the staff of SOCA or (as the case may be) NPIA or members of the staff of NPIA.
- (4) This sub-paragraph applies to—
 - (a) the Director;
 - (b) members of staff of the Agency.
- (5) The scheme may, in particular, make provision about the continuation of legal proceedings.
- 8 A transfer scheme may provide for SOCA or NPIA to make any payment which—

Status: This is the original version (as it was originally enacted).

- (a) before a day specified in the scheme could have been made by the Director or a member of staff of the Agency; but
- (b) is not a liability which can be transferred by virtue of paragraph 7.

Supplementary

- 9 (1) A transfer scheme may contain—
- (a) further provision in connection with any of the matters to which paragraphs 2 to 8 relate;
 - (b) the provision mentioned in sub-paragraph (3).
- (2) The provision which may be made under sub-paragraph (1)(a) includes provision as to the consequences of the termination of a person's appointment or employment by or by virtue of the scheme.
- (3) The provision mentioned in this sub-paragraph is provision—
- (a) for the Secretary of State, or any other person nominated by or in accordance with the scheme, to determine any matter requiring determination under or in consequence of the scheme; and
 - (b) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of paragraph (a).
- 10 Before making a transfer scheme which contains any provision relating to the Director or the members of staff of the Agency, the Secretary of State must consult such bodies appearing to represent the interests of the persons concerned as he considers appropriate.
- 11 A transfer scheme is not an order of the Secretary of State for the purposes of section 89.