

SCHEDULES

SCHEDULE 2

ABOLITION OF MAGISTRATES' COURTS COMMITTEES: TRANSFERS

PART 2

STAFF TRANSFERS

Interpretation

- 10 In this Part of this Schedule—
- (a) “TUPE” means the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794),
 - (b) “the appointed day” means the day immediately before the abolition day,
 - (c) references to a responsible authority are to an authority which is a responsible authority under the Justices of the Peace Act 1997,
 - (d) references to a responsible authority’s relevant functions are to its functions under that Act, and
 - (e) references to a transferred employee are to an employee transferred to the Lord Chancellor’s employment by virtue of paragraph 11 or 12.

Application of TUPE

- 11 For the purposes of TUPE—
- (a) the functions of each magistrates' courts committee are to be treated as transferred on the appointed day from the committee to the Lord Chancellor, and
 - (b) each such transfer is to be treated as the transfer of an undertaking.
- 12 (1) For the purposes of TUPE—
- (a) the relevant functions of each responsible authority are to be treated as transferred on the appointed day from the authority to the Lord Chancellor,
 - (b) each such transfer is to be treated as the transfer of an undertaking, and
 - (c) each person falling within sub-paragraph (2) (but no other person) is to be treated as employed in the undertaking immediately before the appointed day.
- (2) A person falls within this sub-paragraph if—
- (a) immediately before the appointed day he is employed by the responsible authority under a contract of employment,
 - (b) he spends a substantial part of his time on duties connected with the relevant functions of the authority, and

Status: This is the original version (as it was originally enacted).

- (c) the Lord Chancellor certifies that in his opinion it is expedient that the person be transferred to the Lord Chancellor's employment.
- (3) Where TUPE applies by virtue of this paragraph, it applies as if regulation 5(4B) were omitted.
- 13 A reference in any enactment to a person appointed under section 2(1) includes a transferred employee.

Restrictions on employment of aliens not to apply to transferred employees

- 14 Nothing in—
 - (a) section 3 of the Act of Settlement,
 - (b) section 6 of the Aliens Restriction (Amendment) Act 1919, or
 - (c) any rules prescribing requirements as to nationality which must be satisfied in the case of persons employed in a civil capacity under the Crown,applies to the employment of a transferred employee by the Lord Chancellor following his transfer by virtue of paragraph 11 or 12.

Compensation for responsible authorities

- 15 The Lord Chancellor may, to the extent he thinks fit, compensate a responsible authority in respect of costs incurred by the authority as a result of this Act in respect of a person who—
 - (a) immediately before the appointed day is employed by the authority under a contract of employment, and
 - (b) spends part of his time on duties connected with the relevant functions of the authority,but who is not transferred to the Lord Chancellor's employment by virtue of paragraph 12.