

## SCHEDULES

### SCHEDULE 3

Section 58

#### TRANSFERS TO SOCA

##### *Interpretation*

- 1 In this Schedule—
- “the 1967 Act” means the Police (Scotland) Act 1967 (c. 77);
  - “the 1996 Act” means the Police Act 1996 (c. 16);
  - “the 1998 Act” means the Police (Northern Ireland) Act 1998 (c. 32);
  - “the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;
  - “immigration officer” means a person who is an immigration officer within the meaning of the Immigration Act 1971 (c. 77);
  - “NCIS” means the National Criminal Intelligence Service;
  - “NCS” means the National Crime Squad;
  - “relevant appointment” means an appointment under section 6, 9, 13, 14, 52, 55, 58 or 59 of, or Schedule 1 to, the Police Act 1997 (c. 50);
  - “transfer scheme” means a scheme made by the Secretary of State under this Schedule.

##### *Staff*

- 2 (1) A transfer scheme may provide for a person who—
- (a) holds a relevant appointment,
  - (b) is an officer of Revenue and Customs, or
  - (c) is an immigration officer,
- to become an employee of SOCA.
- (2) If the person had a contract of employment before becoming an employee of SOCA, the scheme may provide for that contract to have effect (subject to any necessary modifications) as if originally made between him and SOCA.
- (3) If the person did not have a contract of employment, the scheme may provide for the terms and conditions of his relevant appointment or service as an officer of Revenue and Customs or an immigration officer to have effect (subject to any necessary modifications) as the terms and conditions of his contract of employment with SOCA.
- (4) In this paragraph “relevant appointment” does not include an appointment held by a person engaged on relevant service within the meaning of—
- (a) section 38A of the 1967 Act,
  - (b) section 97 of the 1996 Act, or
  - (c) section 27 of the 1998 Act.

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*Status: This is the original version (as it was originally enacted).*

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- 3 A transfer scheme may provide—
- (a) for relevant service within section 38A(1)(ba) of the 1967 Act to have effect from a time specified in the scheme as relevant service within section 38A(1)(bc) of that Act,
  - (b) for relevant service within section 97(1)(ca) or (cb) of the 1996 Act to have effect from a time specified in the scheme as relevant service within section 97(1)(cf) of that Act,
  - (c) for relevant service within section 27(1)(b) of the 1998 Act to have effect from a time specified in the scheme as relevant service within section 27(1)(cb) of that Act.
- 4 (1) A transfer scheme may provide—
- (a) for the secondment by virtue of which a person holds a relevant appointment to have effect as a secondment to SOCA, and
  - (b) for him to serve as a member of the staff of SOCA.
- (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.
- 5 (1) A transfer scheme may provide—
- (a) for the transfer to SOCA 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 by virtue of the scheme,
  - (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.
- (2) Sub-paragraph (1) applies with the necessary modifications in relation to a person who before becoming a member of the staff of SOCA—
- (a) did not have a contract of employment, or
  - (b) held a relevant appointment by virtue of a secondment.
- (3) A transfer scheme may make provision for periods before a person became an employee of SOCA to count as periods of employment with SOCA (and for the operation of the scheme not to be treated as having interrupted the continuity of that employment).
- 6 (1) A transfer scheme may provide for a person who—
- (a) holds a relevant appointment or is an officer of Revenue and Customs or an immigration officer, and
  - (b) would otherwise become a member of the staff of SOCA by the operation of the scheme,
- not to become a member of the staff of SOCA 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.
- 7 (1) A transfer scheme may provide for the termination of a relevant appointment.
- (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.*

- 8 (1) A transfer scheme may provide for the transfer to SOCA of property, rights and liabilities of any of the following—
- (a) NCIS, its Service Authority and Director General,
  - (b) NCS, its Service Authority and Director General,
  - (c) the Commissioners, and
  - (d) the Secretary of State.
- (2) The scheme may—
- (a) create rights, or impose liabilities, in relation to property, rights and liabilities transferred by virtue of the scheme, and
  - (b) apportion property, rights and liabilities between the Commissioners, or the Secretary of State, and SOCA.
- (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,
  - (b) continued by or in relation to SOCA or members of the staff of SOCA.
- (4) This sub-paragraph applies to—
- (a) NCIS, its members and Service Authority,
  - (b) NCS, its members and Service Authority,
  - (c) the Commissioners and officers of Revenue and Customs, and
  - (d) the Secretary of State and immigration officers.
- (5) The scheme may in particular make provision about the continuation of legal proceedings.
- 9 A transfer scheme may provide for SOCA to make any payment which—
- (a) before a day specified in the scheme could have been made out of the NCIS service fund or the NCS service fund, but
  - (b) is not a liability which can be transferred by virtue of paragraph 8.

*Supplementary*

- 10 (1) A transfer scheme may contain—
- (a) further provision in connection with any of the matters to which paragraphs 2 to 9 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).

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

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- 11 (1) Before making a transfer scheme which contains any provision relating to persons who fall within paragraph (a), (b) or (c) of paragraph 2(1), the Secretary of State must consult such bodies appearing to represent the interests of those persons as he considers appropriate.
- (2) Before making a transfer scheme which contains any provision relating to—
- (a) officers of Revenue and Customs, or
  - (b) property, rights or liabilities of the Commissioners,
- the Secretary of State must consult the Commissioners.

*Power to make regulations*

- 12 The Secretary of State may by regulations make—
- (a) provision as to the consequences of the termination of a person's employment by a transfer scheme (including provision removing any entitlement to compensation which might otherwise arise in such circumstances);
  - (b) transitory, transitional or saving provision in connection with any provision which is (or in the future may be) included in a transfer scheme by virtue of paragraph 3.