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## SCHEDULES

### SCHEDULE 11

#### TRANSITIONAL PROVISIONS

##### *Staff of the Assembly*

- 43 (1) Subject as follows, at the end of the initial period the members of the staff of the Assembly constituted by the Government of Wales Act 1998 (c. 38) (“relevant employees”) are to be taken to have been appointed as members of the staff of the Welsh<sup>F1</sup>... Government.
- (2) But the Secretary of State may by order make a scheme (“a transfer scheme”) for the transfer to the Assembly Commission of [<sup>F2</sup>the rights, powers, duties and liabilities of the Assembly constituted by the Government of Wales Act 1998 in respect of] listed relevant employees under [<sup>F3</sup>or in connection with] their contracts of employment at the end of the initial period.
- (3) A relevant employee is a listed relevant employee if the relevant employee is named in, or is of a description of relevant employees specified in, a list produced by the Secretary of State; and the Secretary of State—
- (a) may at any time amend the list, and
  - (b) must make the list (and any amendments of it) available to such persons, and in such manner, as appear appropriate.
- (4) The transfer by a transfer scheme of [<sup>F4</sup>the rights, powers, duties and liabilities of the Assembly constituted by the Government of Wales Act 1998 in respect of] a relevant employee under [<sup>F5</sup>or in connection with] the relevant employee's contract of employment does not break the continuity of the relevant employee's employment and accordingly—
- (a) the relevant employee is not to be regarded for the purposes of Part 11 of the Employment Rights Act 1996 (c. 18) (redundancy) as having been dismissed by virtue of the transfer, and
  - (b) the relevant employee's period of employment with the Assembly constituted by the Government of Wales Act 1998 counts as a period of employment with the Assembly Commission for the purposes of the Employment Rights Act 1996.
- (5) A transfer scheme transferring [<sup>F6</sup>the rights, powers, duties and liabilities of the Assembly constituted by the Government of Wales Act 1998 in respect of] a relevant employee under [<sup>F7</sup>or in connection with] the relevant employee's contract of employment must provide for the terms and conditions of the relevant employee's employment with the Assembly Commission (taken as a whole) to be no less favourable to the relevant employee than the terms and conditions on which the relevant employee is employed immediately before the transfer.

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- (6) A transfer scheme must provide that, if a listed relevant employee informs the Assembly constituted by the Government of Wales Act 1998 or the Assembly Commission that the relevant employee objects to becoming employed by the Assembly Commission—
- (a) the transfer scheme does not operate to transfer [<sup>F8</sup>any rights, powers, duties and liabilities of the Assembly constituted by the Government of Wales Act 1998 in respect of]<sup>F9</sup>or in connection with] the relevant employee's contract of employment, and
  - (b) the relevant employee's contract of employment is terminated [<sup>F10</sup>immediately before the end of] the initial period, but
  - (c) the relevant employee is not, by virtue of that termination, to be treated for any purpose as having been dismissed.
- (7) Anything (including legal proceedings) which relates to [<sup>F11</sup>any rights, powers, duties or liabilities] transferred by a transfer scheme which is in the process of being done by or in relation to the Assembly constituted by the Government of Wales Act 1998 (c. 38) immediately before they are transferred may be continued by or in relation to the Assembly Commission.
- (8) Anything which was done by or in relation to the Assembly constituted by the Government of Wales Act 1998 for the purpose of or in connection with [<sup>F12</sup>any rights, powers, duties or liabilities] transferred by a transfer scheme which is in effect immediately before they are transferred has effect as if done by or in relation to the Assembly Commission.
- (9) In any instruments, contracts or legal proceedings which relate to [<sup>F13</sup>any rights, powers, duties or liabilities] transferred by a transfer scheme and which are made or commenced immediately before they are transferred, the Assembly Commission is substituted for the Assembly constituted by the Government of Wales Act 1998.
- (10) Before making an order under sub-paragraph (2) the Secretary of State must consult the Assembly constituted by the Government of Wales Act 1998.
- (11) A statutory instrument containing an order under sub-paragraph (2) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** Words in Act omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\), s. 4\(2\)\(a\)](#) (with s. 4(3))
- F2** Words in Sch. 11 para. 43(2) substituted by [The National Assembly for Wales \(Transfer of staff to Assembly Commission Scheme\) Order 2007 \(S.I. 2007/1169\)](#), arts. 1(2), **2(a)**, the amending S.I. coming into force immediately after "the 2007 election" (which was held on 3.5.2007)
- F3** Words in Sch. 11 para. 43(2) inserted by [The National Assembly for Wales \(Transfer of staff to Assembly Commission Scheme\) Order 2007 \(S.I. 2007/1169\)](#), arts. 1(2), **2(a)**, the amending S.I. coming into force immediately after "the 2007 election" (which was held on 3.5.2007)
- F4** Words in Sch. 11 para. 43(4) substituted by [The National Assembly for Wales \(Transfer of staff to Assembly Commission Scheme\) Order 2007 \(S.I. 2007/1169\)](#), arts. 1(2), **2(b)**, the amending S.I. coming into force immediately after "the 2007 election" (which was held on 3.5.2007)
- F5** Words in Sch. 11 para. 43(4) inserted by [The National Assembly for Wales \(Transfer of staff to Assembly Commission Scheme\) Order 2007 \(S.I. 2007/1169\)](#), arts. 1(2), **2(b)**, the amending S.I. coming into force immediately after "the 2007 election" (which was held on 3.5.2007)

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- F6** Words in Sch. 11 para. 43(5) substituted by [The National Assembly for Wales \(Transfer of staff to Assembly Commission Scheme\) Order 2007 \(S.I. 2007/1169\)](#), arts. 1(2), **2(c)**, the amending S.I. coming into force immediately after "the 2007 election" (which was held on 3.5.2007)
- F7** Words in Sch. 11 para. 43(5) inserted by [The National Assembly for Wales \(Transfer of staff to Assembly Commission Scheme\) Order 2007 \(S.I. 2007/1169\)](#), arts. 1(2), **2(c)**, the amending S.I. coming into force immediately after "the 2007 election" (which was held on 3.5.2007)
- F8** Words in Sch. 11 para. 43(6)(a) substituted by [The National Assembly for Wales \(Transfer of staff to Assembly Commission Scheme\) Order 2007 \(S.I. 2007/1169\)](#), arts. 1(2), **2(d)**, the amending S.I. coming into force immediately after "the 2007 election" (which was held on 3.5.2007)
- F9** Words in Sch. 11 para. 43(6)(a) inserted by virtue of [The National Assembly for Wales \(Transfer of staff to Assembly Commission Scheme\) Order 2007 \(S.I. 2007/1169\)](#), arts. 1(2), **2(d)**, the amending S.I. coming into force immediately after "the 2007 election" (which was held on 3.5.2007)
- F10** Words in Sch. 11 para. 43(6)(b) substituted by [The National Assembly for Wales \(Transfer of staff to Assembly Commission Scheme\) Order 2007 \(S.I. 2007/1169\)](#), arts. 1(2), **2(e)**, the amending S.I. coming into force immediately after "the 2007 election" (which was held on 3.5.2007)
- F11** Words in Sch. 11 para. 43(7) substituted by [The National Assembly for Wales \(Transfer of staff to Assembly Commission Scheme\) Order 2007 \(S.I. 2007/1169\)](#), arts. 1(2), **2(f)**, the amending S.I. coming into force immediately after "the 2007 election" (which was held on 3.5.2007)
- F12** Words in Sch. 11 para. 43(8) substituted by [The National Assembly for Wales \(Transfer of staff to Assembly Commission Scheme\) Order 2007 \(S.I. 2007/1169\)](#), arts. 1(2), **2(g)**, the amending S.I. coming into force immediately after "the 2007 election" (which was held on 3.5.2007)
- F13** Words in Sch. 11 para. 43(9) substituted by [The National Assembly for Wales \(Transfer of staff to Assembly Commission Scheme\) Order 2007 \(S.I. 2007/1169\)](#), arts. 1(2), **2(h)**, the amending S.I. coming into force immediately after "the 2007 election" (which was held on 3.5.2007)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 155A inserted by [2014 c. 29 s. 10](#)
- Sch. 7A Section C15 para. 92 omitted by [2017 c. 4 s. 48\(1\)\(a\)](#)
- Sch. 7A Section C15 para. 93 words omitted by [2017 c. 4 s. 48\(1\)\(b\)](#)
- Sch. 7B para. 10(2)(o) inserted by [2022 c. 30 s. 143](#)
- Sch. 7B para. 11(6)(b)(x) repealed by [2023 c. 54 Sch. 11 para. 1\(b\)](#)
- Sch. 7B para. 11(6)(b)(x) word omitted by [2023 c. 54 s. 118\(c\)](#)