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**Changes to legislation:** Offender Management Act 2007, Paragraph 8 is up to date with all changes known to be in force on or before 18 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 2

#### TRANSFERS OF PROPERTY ETC AND STAFF IN CONNECTION WITH PROBATION SERVICES ARRANGEMENTS

##### *Staff transfer schemes*

- 8 (1) This paragraph applies to an individual who is to be transferred from employment in the civil service of the state so as to become an employee of a relevant person by virtue of a staff transfer scheme.
- (2) The individual's employment is not terminated by the transfer.
- (3) The terms and conditions of the individual's Crown employment (so far as consistent with employment under a contract of employment with a person other than the Crown) have effect from the date of transfer as the terms and conditions of a contract of employment originally made between the individual and the transferee.
- (4) Where the individual is transferred under the scheme—
- (a) all the rights, duties and liabilities of the Crown under or in connection with his employment are by virtue of this sub-paragraph transferred to the transferee on the date of the transfer; and
  - (b) anything done before that date by, or in relation to, the Crown in respect of that employment or the individual is to be treated from that date as having been done by or in relation to the transferee.
- This sub-paragraph does not prejudice the generality of sub-paragraphs (2) and (3).
- (5) But if the individual informs the Secretary of State or the transferee that he objects to the transfer—
- (a) the transfer shall not take place (and so sub-paragraphs (2) to (4) do not apply); and
  - (b) his employment is terminated immediately before the date of transfer.
- (6) For the purposes of Part 9 of the Employment Rights Act 1996, the individual is not to be regarded as having been dismissed by reason of—
- (a) his transfer from Crown employment under the scheme; or
  - (b) the termination of his employment by virtue of sub-paragraph (5)(b).
- (7) In this paragraph “transferee” refers to the employer to whom the person is or would be transferred under the scheme.

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#### **Commencement Information**

**II** Sch. 2 para. 8 in force at 1.3.2008 by S.I. 2008/504, art. 2(b)

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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. 14(2)(da) inserted by [2015 c. 2 Sch. 3 para. 15](#)