

SCHEDULES

SCHEDULE 10

Section 173

QCA: TRANSFER SCHEMES

Staff transfer schemes

- 1 (1) The Secretary of State may make a scheme (a “staff transfer scheme”) providing—
 - (a) for a designated employee of the QCDA to become a member of Ofqual’s staff and, accordingly, to become employed in the civil service of the state;
 - (b) so far as may be consistent with employment in the civil service of the state, for the terms and conditions of the employee’s employment to have effect as if they were the conditions of service as a member of Ofqual’s staff;
 - (c) for the transfer to Ofqual of the rights, powers, duties and liabilities of the QCDA under or in connection with the employee’s contract of employment;
 - (d) for anything done (or having effect as if done) before that transfer by or in relation to the QCDA in respect of such a contract or the employee to be treated as having been done by or in relation to Ofqual.
- (2) A staff transfer scheme may provide for a period before a person became a member of Ofqual’s staff to count as a period during which the person was a member of Ofqual’s staff (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
- (3) A staff transfer scheme may provide for an employee of the QCDA who would otherwise become a member of Ofqual’s staff not to become such a member of staff if the employee gives notice objecting to the operation of the scheme in relation to the employee.
- (4) A staff 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.
- (5) A staff transfer scheme may provide for an employee of the QCDA to become a member of Ofqual’s staff despite any provision, of whatever nature, which would otherwise prevent the person from being employed in the civil service of the state.

Property transfer schemes

- 2 (1) The Secretary of State may make a scheme (a “property transfer scheme”) providing for the transfer from the QCDA to Ofqual of designated property, rights or liabilities.
- (2) A property transfer scheme may—
 - (a) create rights, or impose liabilities, in relation to property or rights transferred by virtue of the scheme;

Status: This is the original version (as it was originally enacted).

- (b) provide for anything done by or in relation to the QCDA in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to Ofqual;
 - (c) apportion property, rights and liabilities;
 - (d) make provision about the continuation of legal proceedings.
- (3) The things that may be transferred by a property transfer scheme include—
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme.

Continuity

- 3 A transfer by virtue of a staff transfer scheme or a property transfer scheme does not affect the validity of anything done by or in relation to the QCDA before the transfer takes effect.

Supplementary provision etc.

- 4 A staff transfer scheme or a property transfer scheme may include supplementary, incidental, transitional and consequential provision.

Interpretation

- 5 In this Schedule—
- “designated”, in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;
 - “the QCDA” means the Qualifications and Curriculum Authority, to be known instead as the Qualifications and Curriculum Development Agency by virtue of section 175.