

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 17. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 17

Section 68

#### ABOLITION OF THE YPLA: TRANSFER SCHEMES

##### *Staff transfer schemes*

- 1 The Secretary of State may make a scheme (a “staff transfer scheme”) providing for designated employees of the YPLA—
- (a) to become members of staff of the Secretary of State (and accordingly to become employed in the civil service of the state), or
  - (b) to be transferred to a permitted transferee.

##### **Commencement Information**

**II** Sch. 17 para. 1 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 2 (1) This paragraph applies where a staff transfer scheme provides for an employee of the YPLA to become a member of staff of the Secretary of State.
- (2) The staff transfer scheme may provide—
- (a) 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 with the YPLA to have effect as if they were the conditions of service as a member of the Secretary of State's staff;
  - (b) for the transfer to the Secretary of State of the rights, powers, duties and liabilities of the YPLA under or in connection with the employee's contract of employment;
  - (c) for anything done (or having effect as if done) before that transfer by or in relation to the YPLA in respect of such a contract or the employee to be treated as having been done by or in relation to the Secretary of State.
- (3) The staff transfer scheme may provide for a period before the employee became a member of the Secretary of State's staff to count as a period during which the employee was a member of the Secretary of State's staff (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
- (4) The staff transfer scheme may provide for the employee not to become a member of the Secretary of State's staff if the employee gives notice objecting to the operation of the scheme in relation to the employee.
- (5) The staff transfer scheme may provide for a person who would be treated (by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.
- (6) The staff transfer scheme may provide for an employee of the YPLA to become a member of the Secretary of State's staff despite any provision, of whatever nature,

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which would otherwise prevent the person from being employed in the civil service of the state.

**Commencement Information**

**I2** Sch. 17 para. 2 in force at 1.4.2012 by S.I. 2012/924, art. 2

- 3
- (1) This paragraph applies where a staff transfer scheme provides for the transfer of an employee of the YPLA to a permitted transferee.
  - (2) The staff transfer scheme may provide—
    - (a) for the employee's contract of employment to have effect (subject to any necessary modifications)—
      - (i) as if originally made between the employee and the permitted transferee, or
      - (ii) as the conditions of service as a member of the permitted transferee's staff;
    - (b) for the transfer to the permitted transferee of the rights, powers, duties and liabilities of the YPLA under or in connection with the employee's contract of employment;
    - (c) for anything done (or having effect as if done) before that transfer by or in relation to the YPLA in respect of such a contract or the employee to be treated as having been done by or in relation to the permitted transferee.
  - (3) The staff transfer scheme may provide for a period before the employee became a member of the permitted transferee's staff to count as a period during which the employee was a member of the permitted transferee's staff (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
  - (4) The staff transfer scheme may provide for the employee not to become a member of the permitted transferee's staff if the employee gives notice objecting to the operation of the scheme in relation to the employee.
  - (5) The staff transfer scheme may provide for any person who would be treated (by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.
  - (6) The staff transfer scheme may provide for the transfer of an employee of the YPLA to a permitted transferee despite any provision, of whatever nature, which would otherwise prevent the employee from being so transferred.

**Commencement Information**

**I3** Sch. 17 para. 3 in force at 1.4.2012 by S.I. 2012/924, art. 2

*Property transfer schemes*

- 4
- (1) The Secretary of State may make a scheme (a “property transfer scheme”) providing for the transfer from the YPLA of designated property, rights or liabilities of the YPLA to—
    - (a) the Secretary of State, or
    - (b) a permitted transferee.

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- (2) A property transfer scheme may—
- (a) create rights, or impose liabilities, in relation to property or rights transferred by virtue of the scheme;
  - (b) provide for anything done by or in relation to the YPLA 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 the person to whom the property, rights or liabilities in question are transferred;
  - (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.

**Commencement Information**

**I4** Sch. 17 para. 4 in force at 1.4.2012 by S.I. 2012/924, art. 2

*Continuity*

- 5 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 YPLA before the transfer takes effect.

**Commencement Information**

**I5** Sch. 17 para. 5 in force at 1.4.2012 by S.I. 2012/924, art. 2

*Supplementary provision etc.*

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

**Commencement Information**

**I6** Sch. 17 para. 6 in force at 1.4.2012 by S.I. 2012/924, art. 2

*Interpretation*

- 7 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;
  - “permitted transferee” means a person specified in an order made by the Secretary of State;
  - “the YPLA” means the Young People's Learning Agency for England.

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**Commencement Information**

**I7** [Sch. 17 para. 7](#) in force at 1.4.2012 by [S.I. 2012/924](#), [art. 2](#)

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