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STATUTORY INSTRUMENTS

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**1998 No. 354**

**The Police Act 1997 (Commencement No. 5  
and Transitional Provisions) Order 1998**

**Transfer of employees**

3.—(1) Every person who—

- (a) immediately before 1st April 1998 is employed by the Crown, a police authority or the Commissioner of Police of the Metropolis in the organisation maintained by the Secretary of State under section 57 of the Police Act 1996 known as the National Criminal Intelligence Service;
- (b) but for the provisions of this Order would continue to be so employed; and
- (c) whose name is mentioned on the National Criminal Intelligence Service designated list,

shall, on that date, transfer to, and become an employee of, the NCIS Service Authority.

(2) Every person who—

- (a) immediately before 1st April 1998 is employed by a police authority, by the Commissioner of Police of the Metropolis or by the Crown in a regional crime squad or a regional technical support unit or in the organisation maintained by the Secretary of State under section 57 of the Police Act 1996 known as the Office of the National Co-ordinator of Regional Crime Squads in England and Wales;
- (b) but for the provisions of this Order would continue to be so employed; and
- (c) whose name is mentioned on the National Crime Squad designated list,

shall, on that date, transfer to, and become an employee of, the National Crime Squad Service Authority.

(3) Every person who—

- (a) immediately before 1st April 1998 is employed by the Crown in the organisation maintained by the Secretary of State under section 57 of the Police Act 1996 known as the Police Information Technology Organisation;
- (b) but for the provisions of this Order would continue to be so employed; and
- (c) whose name is mentioned on the Police Information Technology Organisation designated list,

shall, on that date, transfer to, and become an employee of, the Police Information Technology Organisation established under section 109 of the 1997 Act.

(4) The contract of employment of a person who is transferred by virtue of this article shall not terminate on the date of the transfer but shall have effect as if originally made between that employee and the body to whose employment he has been transferred.

(5) A person transferred under paragraph (1) above shall be deemed to have been appointed by the NCIS Service Authority under section 9(1)(c) of the 1997 Act as a member of the National Criminal Intelligence Service.

(6) A person transferred under paragraph (2) above shall be deemed to have been appointed by the NCS Service Authority under section 55(1)(c) of the 1997 Act as a member of the National Crime Squad.

(7) In this article—

“the National Criminal Intelligence Service designated list” means the list marked “Police Act 1997 (Staff Transfer) National Criminal Intelligence Service Designated List” which is signed by the Secretary of State, one copy of which is deposited with the NCIS Service Authority, one copy of which is deposited in the offices of the Secretary of State;

“the National Crime Squad designated list” means the list marked “Police Act 1997 (Staff Transfer) National Crime Squad Designated List” which is signed by the Secretary of State, one copy of which is deposited with the National Crime Squad Service Authority and one copy of which is deposited in the offices of the Secretary of State;

“the Police Information Technology Organisation designated list” means the list marked “Police Act 1997 (Staff Transfer) Police Information Technology Organisation Designated List” which is signed by the Secretary of State, one copy of which is deposited with the Police Information Technology Organisation established under section 109 of the 1997 Act and one copy of which is deposited in the offices of the Secretary of State.

(8) This article has effect without prejudice to the Transfer of Undertakings (Protection of Employment) Regulations 1981<sup>(1)</sup>.

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(1) S.I.1981/1974 as amended by section 33 of the Trade Union Reform and Employment Rights Act 1993 c. 19 and the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995 (S.I. 1995/2589).