
STATUTORY INSTRUMENTS

2004 No. 1573

The British Transport Police (Transitional and Consequential Provisions) Order 2004

Constables, special constables and civilian employees

6.—(1) Subject to paragraphs (5) and (6), every person including every constable—

- (a) who immediately before 1st July 2004 is employed by the Strategic Rail Authority;
- (b) whose employment is wholly or mainly concerned or connected with the policing of the railways; and
- (c) who, but for the provisions of this Order, would continue to be so employed,

shall transfer to and become an employee of the Authority on 1st July 2004.

(2) Subject to paragraph (5) and (7), every special constable—

- (a) who immediately before 1st July 2004 is serving in the old transport police; and
- (b) who, but for the provisions of this Order, would continue to so serve,

shall transfer to and become a special constable of the Authority on 1st July 2004.

(3) The contract of employment between the Strategic Rail Authority and a constable or other person who is transferred to the Authority in consequence of paragraph (1) shall be deemed to have effect from 1st July 2004 as if it had been made between the Authority and that constable or other person.

(4) The service of a special constable who is transferred in consequence of paragraph (2) shall be deemed to have effect from 1st July 2004 as if he had been appointed to be a special constable by the Authority.

(5) Where there is a dispute between the Strategic Rail Authority and the Authority as to whether a person transfers to the Authority pursuant to paragraph (1) or a special constable transfers to the Authority pursuant to paragraph (2), that person or that special constable shall not so transfer and—

- (a) the Strategic Rail Authority and the Authority may jointly appoint a person to determine the dispute in accordance with article 8; or
- (b) if the Strategic Rail Authority and the Authority are unable to agree that the dispute should be so determined or on the person to be appointed, either of them may request the Secretary of State to appoint such a person to determine the dispute in accordance with article 8.

(6) The contract of employment between the Strategic Rail Authority and a constable or other person who is transferred to the Authority after a determination under article 8 shall be deemed to have effect from the date of that determination as if the contract of employment had been made between the Authority and that constable or other person.

(7) The service of a special constable who is transferred to the Authority after a determination under article 8 shall be deemed to have effect from the date of that determination as if that special constable had been appointed by the Authority.

(8) Where a person employed by the Strategic Rail Authority becomes an employee of the Authority by virtue of this article—

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- (a) for the purposes of Part XI of the Employment Rights Act 1996, he shall not be regarded as having been dismissed by the Strategic Rail Authority by virtue of the transfer; and
- (b) for the purposes of that Act, his period of employment with the Strategic Rail Authority counts as a period of employment with the Authority and the change of employment does not break the continuity of the period of employment.