Prosecution of Offences Act 1985

1985 CHAPTER 23

PART I

THE CROWN PROSECUTION SERVICE

Transfer of staff, etc.

11 Transfer of staff.

(1) The Attorney General may, with the approval of the Treasury, by regulations make such provision as he considers appropriate in relation to the transfer to the staff of the Director of such persons employed by any authority wholly or mainly in connection with the discharge of prosecution functions as may be specified in the regulations.

(2) The regulations may, in particular, make provision—

(a) as to the method by which any staff or group of staff are transferred;

(b) as to the terms and conditions of the transfer; and

(c) for the termination of the employment with the authorities concerned of persons to whom the regulations apply (whether or not they are transferred in accordance with the regulations) and as to the consequences of that termination;

and (without prejudice to section 29(2) of this Act) may make different provision with respect to staff employed in different areas.

(3) The regulations may include provision for the determination of questions arising under them and may make such modifications in the application of any enactment as the Attorney General considers appropriate in connection with any provision of the regulations of a kind mentioned in subsection (2)(c) above.

(4) Staff transferred in accordance with the regulations shall be exempt from any requirement to the effect that before a person is appointed to Her Majesty's Home Civil Service a certificate of qualification must be issued in respect of him by the Civil Service Commissioners.

(5) For the purposes of **[**[F1]Chapter I of Part XIV of the [M1]Employment Rights Act 1996**]** (as it applies for the purposes of computing an employee's period and continuity of employment for the purposes of that Act and any other enactment) in its application to a person who is transferred to the staff of the Director as a result of this Part—

(a) the period of his employment in the employment from which he is transferred shall count as a period of Crown employment; and

(b) the change of employment shall not break the continuity of his employment.

(6) Where a person ceases to be a member of the staff of an authority—

(a) on becoming a member of the staff of the Service in consequence of any regulations made under this section; or

(b) having unreasonably refused to be transferred in pursuance of the regulations;

he shall not, on ceasing to be a member of the staff of the authority, be treated for the purposes of any regulations or scheme made under the [M2]Superannuation Act 1972 as having ceased to hold his employment by reason of redundancy.

(7) In this section "authority " means any police authority or other authority or body mentioned in section 17(6)(c) or (d) of this Act; and "police authority ", in relation to the metropolitan police district, means the Commissioner of Police of the Metropolis.

Textual Amendments

F1 Words in s. 11(5) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 25(2)**

Marginal Citations

M1 1996 c. 18.

M2 1972 c. 11.

[F2]12 Staff commission.

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Textual Amendments

F2 S. 12 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), **Sch. 1 Pt. 3**

[F3]13 Premises formerly used in connection with Director's new functions.

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Textual Amendments

F3 S. 13 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), **Sch. 1 Pt. 3**

Changes to legislation:
There are currently no known outstanding effects for the Prosecution of Offences Act 1985, Cross Heading: Transfer of staff, etc..