



Criminal Justice and Courts Services Act 2000

2000 CHAPTER 43

PART I

THE NEW SERVICES

CHAPTER III

GENERAL

Property and staff

21 Effect of transfer of eligible employees

- (1) The contract of employment of an employee transferred under a scheme—
 - (a) is not terminated by the transfer,
 - (b) has effect from the date of transfer as if originally made between the employee and the transferee.
- (2) Where an employee is transferred under a scheme—
 - (a) all the rights, powers, duties and liabilities of the old employer under or in connection with the contract of employment are by virtue of this subsection transferred to the transferee on the date of transfer, and
 - (b) anything done before that date by or in relation to the old employer in respect of that contract or the employee is to be treated from that date as having been done by or in relation to the transferee.

This subsection does not prejudice the generality of subsection (1).

- (3) But if the employee informs the old employer or the transferee that he objects to the transfer—

Status: This is the original version (as it was originally enacted).

- (a) subsections (1) and (2) do not transfer his contract of employment, or the rights, powers, duties and liabilities under or in connection with it, and
 - (b) the contract of employment is terminated immediately before the date of transfer.
- (4) An employee is not to be treated, for the purposes of the Employment Rights Act 1996, as having been dismissed by the old employer by reason of—
- (a) the transfer of his contract of employment under a scheme, or
 - (b) the termination of his contract of employment by virtue of subsection (3).
- (5) Subject to subsection (4), where an employee’s contract of employment with a probation committee is not transferred under a scheme, it is terminated immediately before the date on which the committee ceases to exist; and the employee is to be treated, for the purposes of the Employment Rights Act 1996, as having been dismissed by the committee.
- (6) This section does not prejudice any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions. But no such right arises by reason only that, by virtue of this section, the identity of his employer changes unless the employee shows that, in all the circumstances, the change is a significant change and is to his detriment.
- (7) In this section—
- “date of transfer” means the date of transfer determined under the scheme in relation to the employee,
 - “scheme” means a scheme made by virtue of section 20,
 - “transferee” means the new employer to whom the employee is or would be transferred under the scheme.