



Education Act 2002

2002 CHAPTER 32

PART 8

TEACHERS

Teachers' pay and conditions

129 Transfer of employment

- (1) Section 122(2) shall not apply to a person if—
 - (a) a maintained school is established in place of an independent school in pursuance of proposals published under [^{F1}the relevant school organisation provisions (as defined by subsection (6))], and
 - (b) the person becomes a school teacher in the maintained school in accordance with the [^{F2}Transfer of Undertakings (Protection of Employment) Regulations 2006].
- (2) But if the school teacher gives a notice in writing under this subsection to his new employer, section 122(2) shall apply to him in respect of the period beginning with—
 - (a) a date specified in the notice,
 - (b) if no date is specified under paragraph (a), a date agreed between the teacher and the new employer, or
 - (c) if no date is specified under paragraph (a) or agreed under paragraph (b), the date on which the employer receives the notice.
- (3) Where the governing body of a foundation, voluntary aided or foundation special school receive a notice under subsection (2), they shall inform the [^{F3}local authority].
- (4) In this section “school teacher” has the same meaning as in section 122.
- (5) In subsection (1) “maintained school” means—
 - (a) a community school,
 - (b) a foundation school,
 - (c) a voluntary school,

Changes to legislation: Education Act 2002, Section 129 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (d) a community special school,
- (e) a foundation special school, or
- (f) a maintained nursery school.

[^{F4}(6) In subsection (1)(a) “the relevant school organisation provisions” means—

- (a) in relation to England, section 28, 28A or 31 of the School Standards and Framework Act 1998, section 66 of the Education Act 2005 or section 7 or 11 of the Education and Inspections Act 2006, and
- (b) in relation to Wales, section 28 or 31 of the School Standards and Framework Act 1998 [^{F5}or Part 3 of the School Standards and Organisation (Wales) Act 2013].]

Textual Amendments

- F1** Words in s. 129(1)(a) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 47\(2\)](#); S.I. 2007/935, art. 7(o)
 - F2** Words in s. 129(1)(b) substituted (with application in accordance with reg. 21(1) of the amending S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), reg. 1(2), [Sch. 2 para. 1\(h\)](#)
 - F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)
 - F4** S. 129(6) inserted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 3 para. 47\(3\)](#); S.I. 2007/935, art. 7(o)
 - F5** Words in s. 129(6)(b) inserted (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 21\(7\)](#); S.I. 2013/1800, art. 3(j)
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Commencement Information

- I1** S. 129 in force at 1.8.2003 by [S.I. 2003/1667](#), [art. 2](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)