

Changes to legislation: There are currently no known outstanding effects for the Health Act 2006, SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 69

TRANSFER OF STAFF AND PROPERTY ETC. TO APPOINTMENTS COMMISSION

Interpretation

1 In this Schedule—

“the appointed day” means the day appointed under section 83 for the coming into force of section 57(4),

“employee” means a person who immediately before the appointed day is an employee of the NHSAC, and

“the NHSAC” means the National Health Service Appointments Commission.

Commencement Information

II Sch. 7 para. 1 in force at 1.10.2006 by S.I. 2006/2603, art. 4(5)(b)

Transfer of staff

2 (1) An employee's contract of employment has effect on and after the appointed day as if originally made between him and the Commission.

(2) Accordingly—

(a) all the rights, powers, duties and liabilities of the NHSAC under or in connection with the contract of employment are by virtue of this paragraph transferred to the Commission on the appointed day, and

(b) anything done before the appointed day by or in relation to the NHSAC in respect of that contract or the employee is to be treated on and after that day as having been done by or in relation to the Commission.

(3) If before the appointed day an employee informs the NHSAC that he does not wish to become an employee of the Commission—

(a) sub-paragraphs (1) and (2) do not apply in relation to him, and

(b) his contract of employment is terminated on the appointed day.

(4) An employee is not to be treated for any purpose as being dismissed by reason of the operation of any provision of this paragraph in relation to him.

(5) Nothing in this paragraph affects any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions.

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- (6) But no such right arises by reason only that, by virtue of this paragraph, the identity of his employer changes unless he shows that, in all the circumstances, the change is significant and is to his detriment.

Commencement Information

I2 Sch. 7 para. 2 in force at 1.10.2006 by S.I. 2006/2603, art. 4(5)(b)

Transfer of property, rights and liabilities

- 3 (1) By virtue of this paragraph the property, rights and liabilities (including criminal liabilities) of the NHSAC existing immediately before the appointed day are transferred to the Commission on the appointed day.
- (2) Anything done by or in relation to the NHSAC which is in effect immediately before the appointed day is to be treated on and after the appointed day as done by or in relation to the Commission.
- (3) Anything (including any legal proceedings) which—
- (a) relates to anything transferred by sub-paragraph (1), and
 - (b) is in the process of being done by or in relation to the NHSAC,
- may be continued on and after the appointed day by or in relation to the Commission.
- (4) Sub-paragraph (1) does not have effect in relation to any rights or liabilities transferred by virtue of paragraph 2(2)(a).
- (5) Sub-paragraph (2) does not have effect in relation to anything treated as done by or in relation to the Commission by virtue of paragraph 2(2)(b).

Commencement Information

I3 Sch. 7 para. 3 in force at 1.10.2006 by S.I. 2006/2603, art. 4(5)(b)

General

- 4 Nothing in this Schedule affects the validity of anything done by the NHSAC.

Commencement Information

I4 Sch. 7 para. 4 in force at 1.10.2006 by S.I. 2006/2603, art. 4(5)(b)

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