

SCHEDULES

SCHEDULE 15

Section 158

TRANSITIONAL PROVISIONS AND SAVINGS RELATING TO PART 8

Staff transfer schemes

- 1 (1) The Secretary of State may make a scheme (a “staff transfer scheme”) providing—
- (a) for an employee of the ALI or the CSCI to become a member of the staff of the Office;
 - (b) for his contract of employment to have effect (subject to any necessary modifications) as his conditions of service as a member of the staff of the Office;
 - (c) for the transfer to the Office of the rights, powers, duties and liabilities of the ALI or the CSCI under or in connection with the employee’s contract of employment;
 - (d) for anything done (or having effect as if done) before that transfer by or in relation to the ALI or the CSCI in respect of such a contract or the employee to be treated as having been done by or in relation to the Office.
- (2) A staff transfer scheme may provide for a period before a person became a member of the staff of the Office to count as a period during which he was a member of its staff (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
- (3) A staff transfer scheme may provide for an employee of the ALI or the CSCI who would otherwise become a member of the staff of the Office not to become such a member of staff if he gives notice objecting to the operation of the scheme in relation to him.
- (4) A staff transfer scheme may provide for any person who would be treated (whether by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.
- (5) A staff transfer scheme may provide for—
- (a) section 3 of the Act of Settlement (1700 c. 2),
 - (b) section 6 of the Aliens Restriction (Amendment) Act 1919 (c. 92), and
 - (c) any rules prescribing requirements as to nationality which must be satisfied in the case of persons employed in a civil capacity under the Crown,
- not to apply in relation to service as a member of the staff of the Office by a person who becomes a member of its staff pursuant to the scheme.

Property transfer schemes

- 2 (1) The Secretary of State may make a scheme (a “property transfer scheme”) providing for the transfer to the Office or the new Chief Inspector of any property, rights or liabilities of any of the following—

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- (a) the existing Chief Inspector;
 - (b) the Secretary of State;
 - (c) the Lord Chancellor;
 - (d) the ALI;
 - (e) the CSCI.
- (2) A property transfer scheme may provide for the transfer to a person other than the Office or the new Chief Inspector of any property, rights or liabilities of the ALI not transferred pursuant to sub-paragraph (1).
- (3) A property transfer scheme may—
- (a) create rights, or impose liabilities, in relation to property or rights transferred by virtue of the scheme;
 - (b) provide for things done by or in relation to persons mentioned in paragraphs (a) to (e) of sub-paragraph (1) in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the person to whom the property, rights or liabilities in question are transferred;
 - (c) apportion property, rights and liabilities;
 - (d) make provision about the continuation of legal proceedings.
- (4) The things that may be transferred by a property transfer scheme include—
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme.

Continuity of exercise of functions etc.

- 3 (1) Anything which—
- (a) has been done (or has effect as if done) by or in relation to the existing Chief Inspector, and
 - (b) is in force immediately before the appointed day,
- is to be treated as done by or in relation to the new Chief Inspector.
- (2) Anything (including any legal proceedings) which—
- (a) relates to any function transferred to, or otherwise made exercisable by, the new Chief Inspector under this Part, and
 - (b) is in the process of being done by or in relation to the existing Chief Inspector immediately before the appointed day,
- may be continued by or in relation to the new Chief Inspector.
- (3) Nothing in sub-paragraph (1) or (2)—
- (a) applies to anything in relation to which provision may be made under paragraph 2(3)(b), or
 - (b) affects the validity of anything done by the existing Chief Inspector.
- (4) In this paragraph “the appointed day” means the day appointed under section 188 for the coming into force of section 113.
- 4 (1) A scheme made by the Secretary of State may make provision corresponding to the provision made by paragraph 3 in relation to things done, having effect as if done, or in the process of being done by—

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- (a) any court administration inspector,
 - (b) the ALI,
 - (c) the Chief Inspector of Adult Learning, or
 - (d) the CSCI.
- (2) Such a scheme may provide for things to be treated as done, or to be continued, by or in relation to the Chief Inspector or the Office.
- (3) This paragraph does not apply to anything in relation to which provision may be made under paragraph 1(1)(d).

Schemes: supplementary

- 5 A staff transfer scheme, a property transfer scheme or a scheme made under paragraph 4 may contain supplementary, incidental, transitional and consequential provision.

Saving for previous transfer schemes

- 6 Paragraphs 58 and 60 of Schedule 14 to this Act (and the corresponding entries in Part 5 of Schedule 18 to this Act) do not affect—
- (a) any provision of a scheme made under section 90(1) or 92(1) of the Learning and Skills Act 2000 (c. 21) which has effect immediately before the coming into force of those paragraphs;
 - (b) the operation of section 95 of that Act in relation to rights and liabilities under a contract of employment transferred by virtue of such a scheme.

Preparation for performance of functions by the new Chief Inspector

- 7 (1) The Secretary of State may by regulations confer on the Office and the existing Chief Inspector such powers, and impose on them such duties, as the Secretary of State considers necessary or expedient for the purpose of preparing for the performance by the new Chief Inspector of his functions.
- (2) Regulations under sub-paragraph (1) may be made at any time before the day on which the new Chief Inspector acquires his functions.
- (3) The ALI, the Chief Inspector of Adult Learning, the CSCI and the court administration inspectors must give such assistance to the Office and the existing Chief Inspector as is reasonably required for the purpose of preparing for the performance by the new Chief Inspector of his functions.
- (4) In this paragraph references to the new Chief Inspector's functions are to the functions conferred on him by virtue of this Part.

First annual report of the new Chief Inspector

- 8 (1) The first annual report made by the new Chief Inspector under section 121 is to be a report in respect of the year beginning with the day after the end of the last year for which the existing Chief Inspector made a report under section 3 of EA 2005.
- (2) That report is to include a report on the exercise by the existing Chief Inspector of his functions during any period—
- (a) beginning with the day mentioned in sub-paragraph (1), and

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- (b) ending with the day before his office was abolished.

Interpretation

9 In this Schedule—

“the ALI” means the Adult Learning Inspectorate;

“the existing Chief Inspector” means Her Majesty’s Chief Inspector of Schools in England;

“the new Chief Inspector” means the Chief Inspector appointed under Chapter 1 of this Part;

“court administration inspector” means an inspector of court administration appointed under section 58 of the Courts Act 2003 (c. 39);

“the CSCI” means the Commission for Social Care Inspection.