

SCHEDULE

Section 4

STAFF TRANSFERS

Introductory

- 1 (1) This Schedule applies for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246).
- (2) Anything treated under this Schedule as a transfer of an undertaking is to be treated as a relevant transfer.
- (3) Anyone treated under this Schedule as employed in an undertaking transferred is to be treated as assigned to an organised grouping of resources that is subject to the relevant transfer.
- (4) Nothing in this Schedule prevents the Regulations applying in a case where they would apply apart from this Schedule.
- 2 (1) In this Schedule—
- “change” in any paragraph means the change in allocation of functions referred to in sub-paragraph (1) of the paragraph;
- “employed” means employed under a contract of employment;
- “House authority”—
- (a) in relation to the House of Commons, means the House of Commons Commission;
- (b) in relation to the House of Lords, means the Corporate Officer of the House of Lords;
- “House department” means a department of either House of Parliament.
- (2) This Schedule, as it applies in relation to a department of the House of Commons, also applies in relation to an office or post in that House (and not in a department) in which a person is, or is to be, employed in or for the purposes of that House.

Transfer to joint department: existing functions

- 3 (1) This paragraph applies if a function ceases to be allocated to a House department on being allocated to a joint department.
- (2) The function is to be treated as transferred from the House authority to the Corporate Officers.
- (3) The transfer is to be treated as the transfer of an undertaking.
- (4) A person is to be treated as employed in the undertaking immediately before the transfer if he meets the conditions in sub-paragraph (5).
- (5) The conditions are—
- (a) immediately before the transfer he is employed in the House department in connection with the function transferred;
- (b) before the transfer, the House authority from which the transfer is made designates him for the purposes of the change.

Changes to legislation: There are currently no known outstanding effects for the Parliament (Joint Departments) Act 2007, SCHEDULE. (See end of Document for details)

Transfer to joint department: new functions

- 4 (1) This paragraph applies if—
- (a) a function not allocated to a House department is allocated to a joint department, and
 - (b) before it is allocated, a House authority designates, for the purposes of the change, a person employed by the authority in a House department.
- (2) The function is to be treated as transferred from the House authority to the Corporate Officers.
- (3) The transfer is to be treated as the transfer of an undertaking.
- (4) The designated person is to be treated as employed in the undertaking immediately before the transfer if he is employed in the House department at that time.
- (5) Persons employed in different House departments, or different Houses, may be designated for the purposes of the same change.

Transfer from joint department: functions continue

- 5 (1) This paragraph applies if a function ceases (so far as exercisable in relation to either House) to be allocated to a joint department on being allocated to a House department.
- (2) The function allocated to the House department is to be treated as transferred from the Corporate Officers to the House authority.
- (3) The transfer is to be treated as the transfer of an undertaking.
- (4) A person is to be treated as employed in the undertaking immediately before the transfer if he meets the conditions in sub-paragraph (5).
- (5) The conditions are—
- (a) immediately before the transfer he is employed in the joint department in connection with the function (whether or not the function so far as exercisable in relation to the House concerned);
 - (b) before the transfer, the Corporate Officers designate him for the purposes of the change.

Transfer from joint department: functions cease

- 6 (1) This paragraph applies if—
- (a) a function ceases (so far as exercisable in relation to either House or both) to be allocated to a joint department without being allocated to a House department, and
 - (b) before it ceases to be allocated, the Corporate Officers designate one or both of the House authorities for the purposes of the change.
- (2) Where only one House authority is designated, the function ceasing to be allocated is to be treated as transferred from the Corporate Officers to that authority.
- (3) Where both House authorities are designated, the function ceasing to be allocated is to be treated as comprising—

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- (a) a function transferred from the Corporate Officers to one of the House authorities, and
 - (b) a function transferred from the Corporate Officers to the other House authority.
- (4) The transfer, or each transfer, is to be treated as the transfer of an undertaking.
- (5) A person is to be treated as employed in the undertaking immediately before its transfer to a House authority if he meets the conditions in sub-paragraph (6).
- (6) The conditions are—
- (a) immediately before the transfer he is employed in the joint department in connection with the function ceasing to be allocated;
 - (b) before the transfer, the Corporate Officers designate him for the purposes of the transfer to the House authority concerned.

Changes to legislation:

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