

**Changes to legislation:** Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Staff transfer schemes is up to date with all changes known to be in force on or before 29 February 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

## SCHEDULES

### SCHEDULE 7

#### LEARNING AND SKILLS COUNCIL FOR ENGLAND: TRANSFER SCHEMES

##### *Staff transfer schemes*

- 1 The Secretary of State may make a scheme (a “staff transfer scheme”) providing for the transfer of designated employees of the LSC—
- (a) to a permitted transferee, or
  - (b) so as to become employed in the civil service of the state.

##### **Commencement Information**

**I1** Sch. 7 para. 1 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 2 (1) This paragraph applies where a staff transfer scheme provides for the transfer of an employee of the LSC to a permitted transferee or so as to become employed in the civil service of the state.
- (2) The scheme must provide for the TUPE regulations to apply (to the extent that they would not otherwise apply) as if—
- (a) any transfer of functions (however effected and described) from the LSC to a permitted transferee or the Crown were a transfer of an undertaking;
  - (b) the transfer of the undertaking took effect on a designated date;
  - (c) the transfer of the undertaking were a relevant transfer for the purposes of the regulations;
  - (d) the employee had for those purposes been assigned to an organised grouping of resources or employees that was subject to the relevant transfer.

##### **Commencement Information**

**I2** Sch. 7 para. 2 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

- 3 (1) This paragraph applies where a staff transfer scheme provides for a transfer of an employee of the LSC so as to become employed in the civil service of the state on terms which do not constitute a contract of employment.
- (2) The scheme must provide for the TUPE regulations to apply with the necessary modifications.

##### **Commencement Information**

**I3** Sch. 7 para. 3 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

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- 4 A staff transfer scheme may provide for the transfer of an employee of the LSC to a permitted transferee or so as to become employed in the civil service of the state despite any provisions, of whatever nature, which would otherwise prevent the employee from being so transferred.

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**Commencement Information**

**I4** Sch. 7 para. 4 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

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**Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6