

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Schedule 7 is up to date with all changes known to be in force on or before 10 March 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

Section 124

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.

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](#))

Property transfer schemes

- 5 (1) The Secretary of State may make a scheme (a “property transfer scheme”) providing for the transfer from the LSC of designated property, rights or liabilities of the LSC to—
- (a) a permitted transferee,
 - (b) the Secretary of State, or
 - (c) the Chief Executive of Skills Funding.
- (2) 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 anything done by or in relation to the LSC 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.
- (3) 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.

Commencement Information

I5 Sch. 7 para. 5 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

Continuity

- 6 A transfer by virtue of a staff transfer scheme or a property transfer scheme does not affect the validity of anything done by or in relation to the LSC before the transfer takes effect.

Commencement Information

I6 Sch. 7 para. 6 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

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Supplementary provision etc.

- 7 A staff transfer scheme or a property transfer scheme may include supplementary, incidental, transitional and consequential provision.

Commencement Information

- I7** Sch. 7 para. 7 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

Interpretation

- 8 In this Schedule—
- “designated”, in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;
 - “the LSC” means the Learning and Skills Council for England;
 - “permitted transferee” means—
 - (a) a [^{F1}local authority] in England;
 - (b) the Young People's Learning Agency for England;
 - (c) any other person specified in an order made by the Secretary of State;
 - “the TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246).

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , [Sch. 2 para. 16\(2\)](#)

Commencement Information

- I8** Sch. 7 para. 8 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