
Changes to legislation: Offender Management Act 2007, Paragraph 6 is up to date with all changes known to be in force on or before 18 January 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 2

TRANSFERS OF PROPERTY ETC AND STAFF IN CONNECTION WITH PROBATION SERVICES ARRANGEMENTS

Staff transfer schemes

- 6 (1) This paragraph applies to an employee of a probation board or a relevant person who is to be transferred to a relevant person by virtue of a staff transfer scheme.
- (2) The contract of employment is not terminated by the transfer and has effect from the date of transfer as if originally made between the employee and the transferee.
- (3) Where the employee is transferred under the scheme—
- (a) all the rights, duties and liabilities of the transferor under or in connection with the contract of employment are by virtue of this sub-paragraph transferred to the transferee on the date of the transfer; and
 - (b) anything done before that date by, or in relation to, the transferor in respect of that contract or the employee is to be treated from that date as having been done by or in relation to the transferee.
- This sub-paragraph does not prejudice the generality of sub-paragraph (2).
- (4) But if the employee informs the transferor or the transferee that he objects to the transfer—
- (a) sub-paragraphs (2) and (3) do not transfer the contract of employment (or the rights, powers, duties and liabilities under or in connection with it); and
 - (b) the contract of employment is terminated immediately before the date of transfer.
- (5) The employee is not to be treated, for the purposes of the Employment Rights Act 1996 (c. 18), as having been dismissed by the transferor by reason of—
- (a) the transfer of the contract of employment under the scheme; or
 - (b) the termination of the contract of employment under sub-paragraph (4)(b).
- (6) In this paragraph “transferor” and “transferee” refer to the employer from whom or to whom the employee is or would be transferred under the scheme.

Commencement Information

- II [Sch. 2 para. 6](#) in force at 1.3.2008 by [S.I. 2008/504](#), [art. 2\(b\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(2)(da) inserted by [2015 c. 2 Sch. 3 para. 15](#)