

*These notes refer to the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) which received Royal Assent on 12 November 2009*

# APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 5: Parts 2 to 4: Supplementary**

#### **The Learning and Skills Council for England**

#### *Schedule 7: Learning and Skills Council for England: transfer schemes*

336. This Schedule gives power to the Secretary of State to make one or more schemes to enable the transfer of staff and property from the LSC to various bodies.
337. In relation to staff, the Secretary of State may make a staff transfer scheme providing for designated employees of the LSC to become employees of “a permitted transferee” or to become members of the civil service. A staff transfer scheme must provide for the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) to apply to the transfer of employees of the LSC, with modifications where necessary. Modifications will be required in the case of transfers into the civil service on terms which do not constitute a contract of employment (because TUPE assumes that the persons to which the regulations apply will have a contract of employment once transferred). Those LSC staff who transfer to BIS and become members of staff of the Chief Executive of Skills Funding will become civil servants. In relation to property, a property transfer scheme may provide for the transfer from the LSC of designated property, rights or liabilities to the Secretary of State, the Chief Executive of Skills Funding, or to a permitted transferee.
338. “Permitted transferee” is defined in *paragraph 8* as an English LEA, the YPLA or any other person specified by the Secretary of State by order.