

## SCHEDULES

### SCHEDULE 15

#### POLICE REFORM: TRANSITIONAL PROVISION

#### PART 3

#### SUBSEQUENT TRANSFER BY NEW POLICING BODY

##### *Power to direct new policing body to make transfer scheme*

- 10 (1) The Secretary of State may direct a new policing body—
- (a) to make one or more transfer schemes, and
  - (b) to submit such a scheme to the Secretary of State for approval.
- (2) If the Secretary of State gives a direction under sub-paragraph (1)(b), the Secretary of State may—
- (a) approve the scheme as submitted,
  - (b) approve the scheme with modifications, or
  - (c) reject the scheme.
- (3) Before making a decision under sub-paragraph (2), the Secretary of State must—
- (a) consult the new policing body, and
  - (b) if the scheme includes provision about the transfer of staff, consult persons who, in the Secretary of State’s opinion, represent the views of the staff concerned.
- (4) If the Secretary of State gives a direction under sub-paragraph (1)(b), the new policing body—
- (a) must not make the scheme unless the Secretary of State approves it, and
  - (b) if the Secretary of State approves the scheme with modifications, must make it with those modifications.
- (5) A direction under this paragraph—
- (a) must be in writing; and
  - (b) may be varied or revoked by a further direction.
- 11 (1) The Secretary of State may make one or more transfer schemes in relation to a new policing body if—
- (a) the body does not comply with a direction given to it under paragraph 10, or
  - (b) the Secretary of State decides not to approve one or more schemes submitted by that body under paragraph 10.
- (2) A scheme made by the Secretary of State under this paragraph is to be treated as if made by the new policing body.

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*Status: This is the original version (as it was originally enacted).*

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- 12 (1) The Secretary of State may direct a new policing body—
- (a) to modify a transfer scheme made by that body, and
  - (b) to submit such a scheme to the Secretary of State for approval.
- (2) Sub-paragraphs (2) to (5) of paragraph 10 apply to a direction under sub-paragraph (1) of this paragraph as they apply to a direction under sub-paragraph (1) of paragraph 10.
- (3) In the application of paragraph 10(2) to (5) by virtue of sub-paragraph (2)—
- (a) references to paragraph 10(1)(b) have effect as references to sub-paragraph (1)(b) of this paragraph;
  - (b) references to the making of a scheme have effect as references to the modification of a scheme;
  - (c) references to a scheme have effect as references to a scheme as modified.
- (4) The Secretary of State may modify a transfer scheme made by a new policing body if—
- (a) the authority does not comply with a direction given to it under sub-paragraph (1), or
  - (b) the Secretary of State decides not to approve the modified scheme submitted by the body.
- (5) A scheme modified by the Secretary of State under sub-paragraph (4) is to be treated as if modified (and made) by the new policing body.
- (6) A scheme modified in accordance with this paragraph is to be deemed for all purposes to have come into force with those modifications.

### *Staff*

- 13 (1) A transfer scheme may provide for a person employed by the new policing body to become—
- (a) a member of the civilian staff of the police force, or
  - (b) a member of staff of a local authority.
- (2) The scheme may provide that a contract of employment which the person had before becoming a member of the civilian staff of a police force is to have effect (subject to any modifications) as if originally made between that person and the chief officer.
- (3) The scheme may provide that a contract of employment which the person had before becoming a member of the staff of a local authority is to have effect (subject to any modifications) as if originally made between that person and that local authority.
- 14 (1) A transfer scheme may provide, in the case of a person who is seconded to the new policing body, that the secondment is to have effect as a secondment to—
- (a) the civilian staff of the police force, or
  - (b) a local authority.
- (2) The scheme may make provision as to the terms and conditions which are to have effect as the terms and conditions of the person's secondment.
- 15 (1) A transfer scheme may provide for the transfer to the chief officer of the rights, powers, duties and liabilities of the employer under or in connection with the contract of employment of a person who becomes a member of the civilian staff of the police force.

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- (2) A transfer scheme may provide for the transfer to a local authority of the rights, powers, duties and liabilities of the employer under or in connection with the contract of employment of a person who becomes a member of the staff of that local authority.
- (3) A transfer scheme may make provision—
- (a) for periods before a person became a member of the civilian staff of the police force to count as periods of employment with the chief officer, and
  - (b) for periods before a person became a member of the civilian staff of the police force, and the periods after the person became a member of the civilian staff of the police force, to count as a period of continuous employment.
- (4) A transfer scheme may make provision—
- (a) for periods before a person became a member of the staff of a local authority to count as periods of employment with that local authority, and
  - (b) for periods before a person became a member of the staff of a local authority, and the period after the person became a member of the staff of the local authority, to count as a period of continuous employment.
- 16 (1) A transfer scheme may provide for a person who—
- (a) is employed by the new policing body, and
  - (b) would otherwise, by the operation of the scheme, become—
    - (i) a member of the civilian staff of the police force, or
    - (ii) a member of staff of a local authority,not to become such a member of staff if the person gives notice objecting to the operation of the scheme in relation to the person.
- (2) A person who would (but for this sub-paragraph) be treated as being dismissed by the operation of a transfer scheme (whether by an enactment or otherwise) is to be treated as not being so dismissed.
- (3) Sub-paragraph (2) does not apply to a person who, by virtue of sub-paragraph (1), does not become a member of staff.

#### *Property, rights and liabilities etc*

- 17 (1) A transfer scheme may provide for the transfer of property, rights and liabilities of the new policing body to the chief officer.
- (2) The scheme may—
- (a) create rights or interests, or impose liabilities, in relation to property, rights and liabilities transferred by virtue of the scheme or retained by the transferor under the scheme or create rights or liabilities as between the transferor and transferee under the scheme, and
  - (b) apportion property, rights and liabilities between the new policing body and the chief officer.

#### *Supplementary*

- 18 (1) A transfer scheme may contain further provision in connection with any of the matters to which paragraphs 13 to 17 relate.
- (2) A transfer scheme may contain incidental, consequential, supplemental, transitional and saving provision.

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- (3) A transfer scheme may confer functions on any person (including the Secretary of State).
- 19 (1) A transfer scheme may contain provision—
- (a) for the Secretary of State, or any other person nominated by or in accordance with the scheme, to determine any matter requiring determination under or in consequence of the scheme, and
  - (b) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of sub-paragraph (a).