

## SCHEDULES

### SCHEDULE 1

Section 2

#### TRANSFER SCHEMES

##### *Staff transfer schemes*

- 1 (1) The Secretary of State may make a scheme (a “staff transfer scheme”) providing for the transfer of designated members of staff of the NCS Trust C.I.C (a community interest company registered in England with company registration number 08235117) (“the company”) to the National Citizen Service Trust (to be established by Royal Charter) (“the Charter body”).
- (2) A staff transfer scheme may provide—
  - (a) for the terms and conditions of service of a member of staff of the company to have effect (subject to any necessary modifications) as the terms and conditions of service of a member of staff of the Charter body,
  - (b) for the transfer to the Charter body of the rights, powers, duties and liabilities of the company under or in connection with the contract of employment of the member of staff,
  - (c) for anything done (or having effect as if done) before that transfer by or in relation to the company in respect of such a contract or the member of staff to be treated as having been done by or in relation to the Charter body.
- (3) A staff transfer scheme may provide for a period before a person became a member of staff of the Charter body to count as a period during which he or she was a member of staff of the Charter body (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
- (4) A staff transfer scheme may provide for a person who would be treated (by an Act or otherwise) as being dismissed by the operation of the scheme not to be so treated.
- (5) A staff transfer scheme may provide for a person who is a member of staff of the company not to become a member of staff of the Charter body if the person gives notice objecting to the operation of the scheme in relation to him or her.

##### *Property transfer schemes*

- 2 (1) The Secretary of State may make a scheme (a “property transfer scheme”) providing for the transfer to the Charter body of designated properties, rights or liabilities of the company.
- (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 company 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 Charter body;

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*Status: This is the original version (as it was originally enacted).*

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- (c) apportion property, rights and liabilities;
- (d) make provision for the shared ownership or use of property;
- (e) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of or in relation to the company in respect of anything transferred.

- (3) The things that may be transferred by a property transfer scheme include—
- (a) property, rights and liabilities that could not otherwise be transferred, and
  - (b) property acquired, and rights and liabilities arising, after the making of the scheme.

#### *Continuity*

- 3 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 company before the transfer takes effect.

#### *Supplementary provisions*

- 4 A staff transfer scheme or a property transfer scheme may—
- (a) include supplementary, incidental, transitional and consequential provision, and
  - (b) provide for the scheme to be modified by agreement after it comes into effect.

#### *Procedure for making schemes*

- 5 (1) Before making a staff transfer scheme or a property transfer scheme, the Secretary of State must be satisfied that the following persons have been consulted (whether by the Secretary of State or another person)—
- (a) those persons that the Secretary of State considers likely to be affected by the making of the scheme, and
  - (b) such other persons as appear to the Secretary of State to represent the interests of such persons.
- (2) The Secretary of State must have regard to the results of the consultation in determining whether to make the scheme.
- (3) For the purposes of this paragraph it does not matter whether consultation takes place before or after the passing of this Act.

#### *Interpretation*

- 6 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;
  - “property” includes interests of any description;
- and references to a transfer of property include references to the grant of a lease.