

2002 No. 534

POLICE

**The Criminal Justice and Police Act 2001 (Central Police
Training and Development Authority) (Transitional
Provisions) Order 2002**

Made - - - - - 7th March 2002

Laid before Parliament 11th March 2002

Coming into force 1st April 2002

In exercise of the powers conferred upon him by section 103 of the Criminal Justice and Police Act 2001(a), the Secretary of State hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Criminal Justice and Police Act 2001 (Central Police Training and Development Authority) (Transitional Provisions) Order 2002 and shall come into force on 1st April 2002.

(2) In this Order—

- (a) “the 2001 Act” means the Criminal Justice and Police Act 2001;
- (b) “the 1996 Act” means the Police Act 1996(b); and
- (c) “the Authority” means the Central Police Training and Development Authority established under section 87 of the 2001 Act(c).

Transfer of employees

2.—(1) Every person who—

- (a) immediately before 1st April 2002 is employed by the Crown in the organisation maintained by the Secretary of State under section 57 of the 1996 Act known as National Police Training;
- (b) but for the provisions of this Order would continue to be so employed; and
- (c) whose name is mentioned on the Central Police Training and Development Authority designated list,

shall, on that date, transfer to, and become an employee of, the Authority.

(2) The contract of employment of a person who is transferred by virtue of this article shall not terminate on the date of the transfer but shall have effect as if originally made between that employee and the Authority.

(a) 2001 c.16.

(b) 1996 c.16.

(c) Section 87 and the other provisions of Part 4 of the 2002 Act are brought into force on 1st April 2002 by the Criminal Justice and Police Act 2001 (Commencement No. 5) Order 2002 (S.I. 2002/533 (C.15)).

(3) In this article “the Central Police Training and Development Authority designated list” means the list marked “Criminal Justice and Police Act 2001 (Staff Transfer) Central Police Training and Development Authority Designated List” which is signed by the Secretary of State, one copy of which is deposited with the Authority and one copy of which is deposited in the offices of the Secretary of State.

(4) This article has effect without prejudice to the Transfer of Undertakings (Protection of Employment) Regulations 1981(a).

Agreements to transfer property etc.

3.—(1) As soon as practicable after 1st April 2002, the Secretary of State shall—

- (a) use his best endeavours to determine whether it is fair and reasonable to make any transfers of property, rights and liabilities from the Crown to the Authority; and
- (b) give notice in writing to the Authority specifying any such transfers and the date or dates on which they are to take effect under article 4 below.

(2) A notice under paragraph (1) above may—

- (a) indicate that there are matters specified therein about which a determination is still to be made; or
- (b) provide for a variation in the transfer of property, rights or liabilities in circumstances specified in the notice.

(3) In this article, references to the transfer of property, rights and liabilities mean—

- (a) the transfer from the Crown to the Authority, or the apportionment between them of any property and of rights and liabilities relating to it;
- (b) such transfer or apportionment of any other rights and liabilities; and
- (c) the creation of any rights and liabilities between them.

Transfer of property etc.

4. This article shall have effect to—

(a) transfer from the Crown to the Authority and to vest in them—

- (i) such property;
- (ii) such rights and liabilities relating thereto; and
- (iii) such other rights and liabilities,

as may be specified in a written notice from the Secretary of State under article 3(1)(b) above;

(b) apportion between them—

- (i) such property;
- (ii) such rights and liabilities relating thereto; and
- (iii) such other rights and liabilities,

as may be so specified; and

(c) create between them such rights and liabilities as may be so specified; on such date, or dates, as may be so specified.

Home Office
7th March 2002

John Denham
Minister of State

(a) S.I. 1981/1974 to which there are amendments not directly relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional provision in connection with the coming into force of Part 4 of the Criminal Justice and Police Act 2001 which brings into being the Central Police Training and Development Authority (the Authority). Part 4 is brought into force on 1st April 2002 by the Criminal Justice and Police Act 2001 (Commencement No. 5) Order 2002 (S.I. 2002/533 (C.15)).

Article 2 provides for the transfer of employees from the Crown to the Authority. Articles 3 and 4 provide for the transfer of property from the Crown to the Authority.

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£1.75

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E0457 3/02 ON (MFK)