

This draft Order supersedes the draft Order of the same name which was laid before the House of Commons and published on 19 May 2010 and is being issued free to all known recipients of that draft Order.

Draft Order laid before the House of Commons under section 13(9) of the Parliamentary Standards Act 2009 for approval by resolution of that House.

DRAFT STATUTORY INSTRUMENTS

2010 No.

PARLIAMENT

The Parliamentary Standards Act (Staff Transfer) Order 2010

Made - - - - Day Month 2010

Coming into force - - Day Month 2010

The Leader of the House of Commons⁽¹⁾ makes the following Order in exercise of the powers conferred by section 13(1) and (6)(a) of the Parliamentary Standards Act 2009⁽²⁾.

In accordance with section 13(9) of that Act a draft of this Order was laid before and approved by resolution of the House of Commons.

Citation and Commencement

1. This Order may be cited as the Parliamentary Standards Act (Staff Transfer) Order 2010 and shall come into force on the day after the day on which it is made.

Staff transfer

2.—(1) The employment of the persons to whom Part 4 of the Transfer of Staff to the IPSA Scheme 2010 applies is to be transferred to the IPSA⁽³⁾ in accordance with that Scheme.

(2) Part 5 of the Transfer of Staff to the IPSA Scheme 2010 is also to have effect in relation to those persons to whom that Part applies.

(3) The Transfer of Staff to the IPSA Scheme 2010 is the scheme to be made by the Leader of the House of Commons, with the consent of the person who chairs the House of Commons Commission, the terms of which are set out in the Schedule to this Order.

⁽¹⁾ For the definition of Leader of the House of Commons, see section 12(1) of the Parliamentary Standards Act 2009.

⁽²⁾ *c.* 13.

⁽³⁾ For the definition of IPSA, see section 3(1) of the 2009 Act.

Signatory text

Address
Date

Name
Leader of the House of Commons
Department

SCHEDULE

TRANSFER OF STAFF TO THE IPSA SCHEME 2010

Made

Coming into force

In accordance with the Parliamentary Standards Act (Staff Transfer) Order 2010 the Leader of the House of Commons makes the following Scheme, with the consent of the person who chairs the House of Commons Commission, and in exercise of the powers conferred by section 13 of the Parliamentary Standards Act 2009 [2009 c.13].

PART 1

INTRODUCTORY

1. In this Scheme –
 - “the Commission” means the House of Commons Commission;
 - “contract of employment” means the terms of employment of a relevant member of the House of Commons staff;
 - “IPSA” means the Independent Parliamentary Standards Authority;
 - “relevant member of the House of Commons staff” has the meaning given in section 195(5) of the Employment Rights Act 1996 [1996 c. 18];
 - “the Relevant Date” means 1st August 2010.
2. This Scheme may be cited as the Transfer of Staff to the IPSA Scheme 2010;
3. This Scheme takes effect on the day after the day on which the Order is made.

PART 2

OBJECTIONS

4.—(1) The provisions set out in Part 4 shall not apply to an employee to whom it would otherwise apply if by 23rd July 2010 that employee gives notice in writing to the Commission objecting to the operation of this Scheme in relation to her or to him.

(2) Where an employee would otherwise become a member of staff of the IPSA by virtue of Part 4 but has given notice in accordance with this Part objecting to the operation of this Scheme in relation to her or to him –

- (a) the contract of employment of that employee (and the rights, powers, duties and liabilities under or in connection with it) shall not be transferred;
- (b) the contract of employment of that employee shall be terminated immediately before the Relevant Date; and
- (c) that employee shall not be treated, for any purpose, as having been dismissed by the Commission.

PART 3

STAFF TRANSFERRING TO IPSA

- 5.—(1) The provisions set out in Part 4 apply to an employee who falls within sub-paragraph (2).
- (2) An employee falls within this sub-paragraph if, immediately before the Relevant Date, the employee –
- (a) was employed by the Commission under a contract of employment,
 - (b) was assigned to work in the Members’ Pay and Allowances Team of the Department of Resources, House of Commons; and
 - (c) has not given written notice of an intention not to be transferred to the IPSA.
- (3) In determining whether an employee is assigned as referred to in sub-paragraph (2)(b), any period of secondment or other temporary absence is to be disregarded.

PART 4

TRANSFER PROVISIONS

- 6.—(1) On the Relevant Date an employee to whom the provisions of this Part apply is transferred from employment with the Commission so as to become an employee of the IPSA, unless an objection has been made in accordance with Part 2.
- (2) The employee’s contract of employment is not terminated by the transfer of employment.
- (3) The employee’s contract of employment has effect from the Relevant Date as if originally made between the employee and the IPSA.
- (4) Where the employee’s employment is transferred by virtue of this sub-paragraph, subject to sub-paragraph (5) –
- (a) all the Commission’s rights, powers, duties and liabilities under or in connection with the employee’s contract of employment are by virtue of this sub-paragraph transferred to the IPSA on the Relevant Date, and
 - (b) any act or omission before that date, of or in relation to the Commission in respect of the contract or the employee, is to be treated from that date as an act or omission of or in relation to the IPSA.
- (5) Sub-paragraph (4) shall not transfer or otherwise affect the liability of any person to be prosecuted for, convicted of and sentenced for any offence.

PART 5

DISMISSALS

- 7.—(1) This paragraph applies where any employee of the Commission or of the IPSA is dismissed, (whether before, on or after the Relevant Date).
- (2) The employee is to be treated for the purposes of Part 10 of the Employment Rights Act 1996 [1996 c.18] as unfairly dismissed if the sole or principal reason for dismissal is –
- (a) the transfer itself; or
 - (b) a reason connected to the transfer that is not an economic, technical or organisational reason entailing changes in the workforce.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order provides for a transfer scheme for those staff who will move from employment by the House of Commons Commission to the IPSA (the Independent Parliamentary Standards Authority). These are staff employed in connection with the administration of the pay and allowances of Members of Parliament and their staff, which in future will be dealt with by the IPSA. The terms of the transfer scheme are set out in the Schedule to this Order.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.