

*Status: Point in time view as at 28/03/2009.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Cross Heading: Staff is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### TRANSFERS TO SOCA

##### *Staff*

- 2 (1) A transfer scheme may provide for a person who—
- (a) holds a relevant appointment,
  - (b) is an officer of Revenue and Customs, or
  - (c) is an immigration officer,
- to become an employee of SOCA.
- (2) If the person had a contract of employment before becoming an employee of SOCA, the scheme may provide for that contract to have effect (subject to any necessary modifications) as if originally made between him and SOCA.
- (3) If the person did not have a contract of employment, the scheme may provide for the terms and conditions of his relevant appointment or service as an officer of Revenue and Customs or an immigration officer to have effect (subject to any necessary modifications) as the terms and conditions of his contract of employment with SOCA.
- (4) In this paragraph “relevant appointment” does not include an appointment held by a person engaged on relevant service within the meaning of—
- (a) section 38A of the 1967 Act,
  - (b) section 97 of the 1996 Act, or
  - (c) section 27 of the 1998 Act.

#### **Commencement Information**

**II** Sch. 3 para. 2 in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(j\)](#)

- 3 A transfer scheme may provide—
- (a) for relevant service within section 38A(1)(ba) of the 1967 Act to have effect from a time specified in the scheme as relevant service within section 38A(1)(bc) of that Act,
  - (b) for relevant service within section 97(1)(ca) or (cb) of the 1996 Act to have effect from a time specified in the scheme as relevant service within section 97(1)(cf) of that Act,
  - (c) for relevant service within section 27(1)(b) of the 1998 Act to have effect from a time specified in the scheme as relevant service within section 27(1)(cb) of that Act.

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#### Commencement Information

**I2** Sch. 3 para. 3 in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(j\)](#)

- 4 (1) A transfer scheme may provide—
- (a) for the secondment by virtue of which a person holds a relevant appointment to have effect as a secondment to SOCA, and
  - (b) for him to serve as a member of the staff of SOCA.
- (2) The scheme may make provision as to the terms and conditions which are to have effect as the terms and conditions of his secondment to SOCA.

#### Commencement Information

**I3** Sch. 3 para. 4 in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(j\)](#)

- 5 (1) A transfer scheme may provide—
- (a) for the transfer to SOCA 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 SOCA by virtue of the scheme,
  - (b) for anything done before that transfer by or in relation to the employer in respect of such a contract or the employee to be treated as having been done by or in relation to SOCA.
- (2) Sub-paragraph (1) applies with the necessary modifications in relation to a person who before becoming a member of the staff of SOCA—
- (a) did not have a contract of employment, or
  - (b) held a relevant appointment by virtue of a secondment.
- (3) A transfer scheme may make provision for periods before a person became an employee of SOCA to count as periods of employment with SOCA (and for the operation of the scheme not to be treated as having interrupted the continuity of that employment).

#### Commencement Information

**I4** Sch. 3 para. 5 in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(j\)](#)

- 6 (1) A transfer scheme may provide for a person who—
- (a) holds a relevant appointment or is an officer of Revenue and Customs or an immigration officer, and
  - (b) would otherwise become a member of the staff of SOCA by the operation of the scheme,
- not to become a member of the staff of SOCA if he gives notice objecting to the operation of the scheme in relation to him.
- (2) A transfer scheme may provide for any person who would be treated (whether by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.

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**Commencement Information**

**I5** Sch. 3 para. 6 in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(j\)](#)

- 7 (1) A transfer scheme may provide for the termination of a relevant appointment.
- (2) The Secretary of State may make a payment of such amount (if any) as he may determine to the person who held the appointment.

**Commencement Information**

**I6** Sch. 3 para. 7 in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(j\)](#)

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