
Changes to legislation: Offender Management Act 2007, Paragraph 7 is up to date with all changes known to be in force on or before 15 June 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) View outstanding changes

SCHEDULES

SCHEDULE 2

TRANSFERS OF PROPERTY ETC AND STAFF IN CONNECTION WITH PROBATION SERVICES ARRANGEMENTS

Staff transfer schemes

- 7 (1) This paragraph applies where an employee of a probation board or a relevant person is to become employed in the civil service of the state by virtue of a staff transfer scheme.
- (2) The employee's period of employment with the transferor counts as a period of employment in his Crown employment and the change of employment does not break the continuity of that employment.
- (3) So far as may be consistent with employment in the civil service of the state, the terms and conditions of his employment have effect after the transfer as if they were terms and conditions of his Crown employment.
- (4) Where the employee is transferred under the scheme—
- (a) all the rights, duties and liabilities of the transferor under or in connection with the contract of employment are by virtue of this sub-paragraph transferred to the Crown on the date of the transfer; and
 - (b) anything done before that date by, or in relation to, the transferor in respect of that contract or the employee is to be treated from that date as having been done by or in relation to the Crown.
- This sub-paragraph does not prejudice the generality of sub-paragraphs (2) and (3).
- (5) But if the employee informs the transferor or the Secretary of State that he objects to the transfer—
- (a) the transfer shall not take place (and so sub-paragraphs (2) to (4) do not apply); and
 - (b) the contract of employment is terminated immediately before the date of transfer.
- (6) The employee is not to be treated, for the purposes of Part 9 of the Employment Rights Act 1996, as having been dismissed by reason of—
- (a) his transfer to Crown employment; or
 - (b) the termination of the contract of employment by virtue of sub-paragraph (5) (b).
- (7) In this paragraph “transferor” refers to the employer from whom the employee is or would be transferred under the scheme.

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Commencement Information

II [Sch. 2 para. 7](#) in force at 1.3.2008 by [S.I. 2008/504](#), [art. 2\(b\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(2)(da) inserted by [2015 c. 2 Sch. 3 para. 15](#)