

Status: Point in time view as at 31/03/2008.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, SCHEDULE 10. (See end of Document for details)

SCHEDULES

SCHEDULE 10 **E+W**

Section 148

BENEFIT FRAUD INSPECTORATE: TRANSFER SCHEMES

Transfer of staff

- 1 Paragraphs 2 to 4 apply where the rights and liabilities relating to an individual's contract of employment are transferred in accordance with a transfer scheme.

Commencement Information

II Sch. 10 para. 1 in force at 31.3.2008 by S.I. 2008/172, art. 3

- 2 (1) The individual's contract of employment—
- (a) is not terminated by the transfer; and
 - (b) has effect from the transfer date as if originally made between the individual and the Audit Commission.
- (2) The rights, powers, duties and liabilities of the Secretary of State under or in connection with the contract are transferred to the Audit Commission on the transfer date.
- (3) Anything done before the transfer date by or in relation to the Secretary of State in respect of the contract or otherwise in his capacity as the employer of the individual shall be treated from that date as having been done by or in relation to the Audit Commission.
- (4) For the purposes of the Employment Rights Act 1996 (c. 18)—
- (a) the period of employment of the individual in the civil service of the State counts as a period of employment with the Audit Commission; and
 - (b) the transfer does not break the continuity of the period of employment.
- (5) For the purposes of Part 11 of that Act (redundancy), the individual shall not be regarded as having been dismissed by virtue of the transfer.
- (6) This paragraph does not apply in relation to—
- (a) so much of a contract of employment as relates to a pension scheme; or
 - (b) any rights, powers, duties or liabilities relating to a pension scheme.
- (7) In this paragraph, “transfer date”, in relation to a transfer scheme and an individual, means the date on which the rights and liabilities relating to an individual's contract of employment are transferred to the Audit Commission by virtue of the scheme.

Commencement Information

I2 Sch. 10 para. 2 in force at 31.3.2008 by S.I. 2008/172, art. 3

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- 3 (1) A transfer scheme may make provision with respect to the eligibility of the individual to become a member of a pension scheme by virtue of his employment with the Audit Commission.
- (2) A transfer scheme may make provision with respect to the rights of, or rights or liabilities in respect of, the individual under a pension scheme of which he is a member by virtue of his employment immediately before the transfer.

Commencement Information

I3 Sch. 10 para. 3 in force at 31.3.2008 by S.I. 2008/172, art. 3

- 4 In paragraphs 2 and 3, “pension scheme” includes a scheme made under section 1 of the Superannuation Act 1972 (c. 11) (superannuation schemes as respects civil servants etc.).

Commencement Information

I4 Sch. 10 para. 4 in force at 31.3.2008 by S.I. 2008/172, art. 3

Property, rights and liabilities etc.

- 5 (1) A transfer scheme may provide for the transfer of property, rights and liabilities—
- (a) whether or not they would otherwise be capable of being transferred or assigned;
 - (b) irrespective of any requirement for consent that would otherwise apply.
- (2) A transfer scheme may—
- (a) create rights, or impose liabilities, in relation to property, rights and liabilities transferred by virtue of the scheme;
 - (b) apportion property, rights and liabilities between the transferor and the Audit Commission.
- (3) A transfer scheme may provide for things done by or in relation to the transferor for the purposes of or in connection with anything transferred by a transfer scheme to be—
- (a) treated as done by or in relation to the Audit Commission or its employees;
 - (b) continued by or in relation to the Audit Commission or its employees.
- (4) A scheme may in particular make provision about the continuation of legal proceedings.
- (5) A scheme may include supplementary, incidental and consequential provision.
- (6) This paragraph has effect subject to paragraph 2 and section 148(4).

Commencement Information

I5 Sch. 10 para. 5 in force at 31.3.2008 by S.I. 2008/172, art. 3

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