

Status: Point in time view as at 19/12/2011. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 15

POLICE REFORM: TRANSITIONAL PROVISION

VALID FROM 16/01/2012

PART 2

INITIAL TRANSFER FROM POLICE AUTHORITIES

Transfer of property, rights and liabilities

- 5 (1) At the relevant commencement time, all property, rights and liabilities which immediately before that time were property, rights and liabilities of the existing police authority for a police area are to transfer to, and by virtue of this paragraph vest in, the new policing body for that police area.
- (2) This paragraph does not apply to any rights or liabilities under a contract of employment (which are dealt with in paragraph 6).

Transfer of staff

- 6 (1) Subject to sub-paragraphs (5) and (6), this paragraph applies to any person who immediately before the relevant commencement time is a member of the staff of the existing police authority for a police area (the “existing employer”).
- (2) A contract of employment between a person to whom this paragraph applies and the existing employer is to have effect from the relevant commencement time as if originally made between that person and the new policing body for the police area in relation to which the existing employer was established (the “new employer”).
- (3) Sub-paragraph (2) does not break the continuity of a person's employment and accordingly such a person's period of employment with the existing employer counts as a period of employment with the new employer for the purposes of the Employment Rights Act 1996.
- (4) Without prejudice to sub-paragraph (2)—
- (a) all the existing employer's rights, powers, duties and liabilities under or in connection with a contract to which that sub-paragraph applies are by virtue of this paragraph transferred to the new employer at the relevant commencement time; and
 - (b) anything done before that date by or in relation to the existing employer in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the new employer.

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- (5) Sub-paragraphs (2) to (4) are without prejudice to any right of a member of staff to terminate the contract of employment if a substantial change is made to the person's detriment in the person's working conditions; but no such right arises by reason only of the change in employer effected by this paragraph.
- (6) Where a person—
 - (a) has, prior to the relevant commencement time, entered into a contract of employment with an existing police authority which is to come into effect at or after that time; and
 - (b) would, if the contract had come into effect before that date, have been a person to whom this paragraph applies,
 that person is to be treated as a person to whom this paragraph applies.
- (7) A person who would (but for this sub-paragraph) be treated as being dismissed by the operation of this paragraph (whether by an enactment or otherwise) is to be treated as not being so dismissed.
- (8) Sub-paragraph (7) does not apply to a person who, by virtue of sub-paragraph (5), does not become an employee of a new policing body.
- (9) This paragraph is subject to paragraph 7.

Police civilians

- 7 (1) The new policing body for a police area—
 - (a) is to have, for the purpose mentioned in sub-paragraph (2), relevant powers to arrange for the new chief officer of the police force for that area to discharge functions of that body; and
 - (b) must exercise those powers for the purpose mentioned in sub-paragraph (2).
- (2) That purpose is securing that the police civilian members of staff of that new policing body are under the direction and control of that chief officer.
- (3) Any arrangements made in compliance with section 15(2) of the Police Act 1996 between the existing police authority for a police area and the existing chief officer of the police force for that area which are in force immediately before the relevant commencement time are to have effect at and after that time as if made under this paragraph between the new policing body for that area and the new chief officer of that police force.
- (4) Sub-paragraph (5) applies to a person who—
 - (a) immediately before the relevant commencement time, is a police civilian member of the staff of an existing police authority, and
 - (b) at that time becomes a member of the staff of the new policing body for a police area by virtue of paragraph 6.
- (5) For as long as the person continues to be a member of the staff of that body, the person is to be—
 - (a) employed as a police civilian member of that staff, and
 - (b) under the direction and control of the new chief officer of the police for that area.
- (6) Sub-paragraph (5) does not prevent the new policing body from making arrangements with the person for the person to cease to be a police civilian member

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of staff of that body (whether or not the person remains a member of the staff of that body).

- (7) After the relevant commencement time, a new policing body may, for either of the purposes set out in sub-paragraph (8), make arrangements—
- (a) with any member of the staff of the body who is not a police civilian member of staff to become a police civilian member of that staff, or
 - (b) with a person who is not a member of that body's staff to become a police civilian member of that staff.
- (8) In relation to the new policing body for a police area those purposes are—
- (a) replacing police civilian members of staff of the existing police authority for that area who did not become members of the staff of the new policing body in accordance with paragraph 6;
 - (b) replacing police civilian members of staff of the new policing body who have ceased to be police civilian members of staff of that body otherwise than by virtue of a transfer scheme under Part 2 of this Schedule; or
 - (c) to supplement the police civilian members of staff of the new policing body.
- (9) Sub-paragraphs (1) to (5) are subject to—
- (a) any provision included in a collaboration agreement under section 22A of the Police Act 1996, and
 - (b) section 24(3A) of that Act (aid of one police force by another).
- (10) In this paragraph—
- (a) “relevant powers” means powers corresponding to those conferred by sections 101 and 107 of the Local Government Act 1972 on police authorities established under section 3 of the Police Act 1996;
 - (b) references to a police civilian member of staff of an existing police authority or a new policing body are references to a member of the staff of that authority or body who is employed solely to assist the police force maintained by that authority or body;
 - (c) the chief officers' powers of direction and control referred to include powers of engagement and dismissal.

Seconded staff

- 8 In the case of a person who, immediately before the relevant commencement time, is seconded to the existing police authority for a police area, the secondment is to have effect, after that time, as a secondment to the new policing body for that police area.

Interpretation

- 9 In this Part “relevant commencement time” means—
- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the time when section 1 comes into force in relation to that area;
 - (b) in relation to the metropolitan police district, the time when section 3 comes into force.

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