

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, SCHEDULE 9. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 9 **E+W**

Section 27

#### ABOLITION OF THE QCDA: TRANSFER SCHEMES

##### *Staff transfer schemes*

- 1 (1) The Secretary of State may make a scheme (a “staff transfer scheme”) providing—
- (a) for a designated employee of the QCDA to become a member of staff of Ofqual or the Secretary of State (“the Crown employer”) (and accordingly to become employed in the civil service of the state);
  - (b) so far as may be consistent with employment in the civil service of the state, for the terms and conditions of the employee's employment with the QCDA to have effect as if they were the conditions of service as a member of the Crown employer's staff;
  - (c) for the transfer to the Crown employer of the rights, powers, duties and liabilities of the QCDA under or in connection with the employee's contract of employment;
  - (d) for anything done (or having effect as if done) before that transfer by or in relation to the QCDA in respect of such a contract or the employee to be treated as having been done by or in relation to the Crown employer.
- (2) A staff transfer scheme may provide for a period before the employee became a member of the Crown employer's staff to count as a period during which the employee was a member of the Crown employer's staff (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
- (3) A staff transfer scheme may provide for the employee not to become a member of the Crown employer's staff if the employee gives notice objecting to the operation of the scheme in relation to the employee.
- (4) A staff transfer scheme may provide for a person who would be treated (by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.
- (5) A staff transfer scheme may provide for an employee of the QCDA to become a member of the Crown employer's staff despite any provision, of whatever nature, which would otherwise prevent the person from being employed in the civil service of the state.

#### **Commencement Information**

**II** Sch. 9 para. 1 in force at 1.4.2012 by S.I. 2012/924, art. 2 (with arts. 4, 5)

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### *Property transfer schemes*

- 2 (1) The Secretary of State may make a scheme (a “property transfer scheme”) providing for the transfer from the QCDA of designated property, rights or liabilities of the QCDA to Ofqual or the Secretary of State.
- (2) A property transfer scheme may—
- (a) create rights, or impose liabilities, in relation to property or rights transferred by virtue of the scheme;
  - (b) provide for anything done by or in relation to the QCDA in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the person to whom the property, rights or liabilities in question are transferred;
  - (c) apportion property, rights and liabilities;
  - (d) make provision about the continuation of legal proceedings.
- (3) The things that may be transferred by a property transfer scheme include—
- (a) property, rights and liabilities that could not otherwise be transferred;
  - (b) property acquired, and rights and liabilities arising, after the making of the scheme.

#### **Commencement Information**

**I2** Sch. 9 para. 2 in force at 1.4.2012 by S.I. 2012/924, art. 2 (with arts. 4, 5)

### *Continuity*

- 3 A transfer by virtue of a staff transfer scheme or a property transfer scheme does not affect the validity of anything done by or in relation to the QCDA before the transfer takes effect.

#### **Commencement Information**

**I3** Sch. 9 para. 3 in force at 1.4.2012 by S.I. 2012/924, art. 2 (with arts. 4, 5)

### *Supplementary provision etc.*

- 4 A staff transfer scheme or a property transfer scheme may include supplementary, incidental, transitional and consequential provision.

#### **Commencement Information**

**I4** Sch. 9 para. 4 in force at 1.4.2012 by S.I. 2012/924, art. 2 (with arts. 4, 5)

### *Interpretation*

- 5 In this Schedule—
- “designated”, in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;

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“Ofqual” means the Office of Qualifications and Examinations Regulation;

“the QCDA” means the Qualifications and Curriculum Development Agency.

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**Commencement Information**

**I5** Sch. 9 para. 5 in force at 1.4.2012 by S.I. 2012/924, art. 2 (with arts. 4, 5)

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