

*Status: Point in time view as at 25/01/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Transfer schemes. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8 **U.K.**

#### ABOLITION OF SOCA AND NPIA

##### **Modifications etc. (not altering text)**

- C1** Sch. 8 modified (7.10.2013) by [The National Crime Agency \(Limitation of Extension to Northern Ireland\) Order 2013 \(S.I. 2013/2326\)](#), arts. 1, **arts. 3-5**

### **PART 1** **U.K.**

#### TRANSITIONAL, TRANSITORY AND SAVING PROVISION

##### *Transfer schemes*

- 1 (1) The Secretary of State may make—
- (a) one or more staff transfer schemes, and
  - (b) one or more property transfer schemes.
- (2) The Secretary of State may include—
- (a) provision under paragraph 2(1)(a)(iv) in a staff transfer scheme, or
  - (b) provision under paragraph 3(1)(c) in a property transfer scheme,
- only if the Secretary of State considers that the provision is appropriate in connection with an order under section 2 (modification of NCA functions).
- (3) The Secretary of State must lay before Parliament each staff transfer scheme and each property transfer scheme that is made.

##### **Commencement Information**

- II** Sch. 8 para. 1 in force at 8.5.2013 by [S.I. 2013/1042](#), **art. 2(n)**

- 2 (1) A staff transfer scheme is a scheme which provides—
- (a) for—
    - (i) a designated member of the staff of SOCA,
    - (ii) a designated constable in an England and Wales police force,
    - (iii) a designated member of the civilian staff of an England and Wales police force, or
    - (iv) a designated member of the personnel or staff of any other person,to become an NCA officer and, accordingly, to become employed in the civil service of the state;

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- (b) for a designated member of the staff of the NPIA to become employed in the civil service of the state—
    - (i) as an NCA officer, or
    - (ii) in the Home Office;
  - (c) so far as may be consistent with employment in the civil service of the state, for the terms and conditions of the designated transferee's employment to have effect as the person's terms and conditions of employment as an NCA officer or in the Home Office;
  - (d) for the transfer to the NCA or the Secretary of State of the rights, powers, duties and liabilities of the employer under or in connection with the designated transferee's contract of employment;
  - (e) for anything done (or having effect as if done) before that transfer by or in relation to the employer in respect of such a contract or the designated transferee to be treated as having been done by or in relation to the NCA or the Secretary of State.
- (2) A staff transfer scheme may provide for a period before a person became employed in the civil service of the state under a staff transfer scheme to count as a period during which the person was employed in the civil service of the state (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 a person who would otherwise become employed in the civil service of the state under a staff transfer scheme not to become so employed if the person gives notice objecting to the operation of the scheme in relation to the person.
- (4) A staff 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.
- (5) A staff transfer scheme may provide for a person to become employed in the civil service of the state despite any provision, of whatever nature, which would otherwise prevent the person from being employed in the civil service of the state.
- (6) A staff transfer scheme may provide for a person's secondment to SOCA or the NPIA to continue as a secondment of that person to the NCA.
- (7) In the application of this paragraph to the transfer of a constable—
- (a) a reference to employment (other than employment in the civil service of the state) is a reference to service as a constable;
  - (b) a reference to a contract of employment is a reference to the terms and conditions of service as a constable;
  - (c) a reference to the employer is a reference to the chief officer of the police force, and the policing body for the police force, in which the constable serves.

**Commencement Information**

**12** Sch. 8 para. 2 in force at 8.5.2013 by S.I. 2013/1042, art. 2(n)

- 3 (1) A property transfer scheme is a scheme providing for the transfer to the NCA of designated property, rights or liabilities from—
- (a) SOCA,

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- (b) the chief officer of, or the policing body for, an England and Wales police force, or
  - (c) any other person,
- or for the transfer to the NCA or the Secretary of State of designated property, rights or liabilities from the NPIA.
- (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 a transferor 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 NCA or the Secretary of State;
  - (c) provide for anything done by a transferor which gives rise to criminal liability to be treated as done by the NCA or the Secretary of State and, in such a case, provide that Crown immunity does not affect the criminal liability of the NCA or Secretary of State;
  - (d) apportion property, rights and liabilities;
  - (e) 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

**I3** Sch. 8 para. 3 in force at 8.5.2013 by S.I. 2013/1042, art. 2(n)

- 4 (1) A staff transfer scheme or a property transfer scheme may make—
- (a) provision for any reference to a transferor in any document or other instrument, contract or legal proceedings to have effect as, or as including, a reference to the NCA or the Secretary of State;
  - (b) supplementary, incidental, transitional and consequential provision.
- (2) A staff transfer scheme may make provision which is the same or similar as provision made by the TUPE regulations (if those regulations do not apply to the transfer).

#### Commencement Information

**I4** Sch. 8 para. 4 in force at 8.5.2013 by S.I. 2013/1042, art. 2(n)

- 5 In paragraphs 2 to 4—
- “civilian staff”, in relation to an England and Wales police force, means a person employed by the policing body for that force;
  - “designated”, in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;
  - “designated transferee” means a person in respect of whom a staff transfer scheme makes provision of the kind referred to in paragraph 2(1)(a) or (b);

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“Home Office” means the department of the Secretary of State having responsibility for policing;

“instrument” includes a designation, authorisation, warrant, or order of any court;

“transferor”, in relation to a staff transfer scheme or a property transfer scheme, means any of the following to which the scheme relates—

- (a) SOCA;
- (b) the NPIA;
- (c) the chief officer of, or the policing body, for an England and Wales police force;
- (d) any other person;

“TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006.

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**Commencement Information**

**I5** Sch. 8 para. 5 in force at 8.5.2013 by S.I. 2013/1042, art. 2(n)

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