
STATUTORY INSTRUMENTS

2001 No. 834

The Broadmoor Hospital Authority (Abolition) Order 2001

Transfer of Staff

3.—(1) Subject to paragraph (2), any person who, immediately before the coming into force of this Order, was an officer of the Authority shall, on the coming into force of this Order, be transferred to the employment of the relevant new employer.

(2) This regulation shall not apply to an officer of the Authority whose contract of employment terminates on the day immediately preceding the coming into force of this Order.

(3) The contract of employment of an officer transferred under paragraph (1)—

- (a) is not terminated by the transfer, and
- (b) has effect from the time of the transfer as if originally made between the officer and the relevant new employer.

(4) Without prejudice to paragraph (3)—

- (a) any right or liability of the Authority under or in connection with the officer's contract of employment shall by virtue of this paragraph be transferred to the relevant new employer;
- (b) anything done before the date of the transfer by or in relation to the Authority in respect of the officer or the contract of employment shall be deemed from that time to have been done by or in relation to the relevant new employer.

(5) Paragraphs (1), (3) and (4) do not transfer an officer's contract of employment, or any right or liability under or in connection with it, if he informs the Authority or the relevant new employer that he objects to the transfer.

(6) Where an officer objects as mentioned in sub-paragraph (5) his contract of employment with the Authority shall be treated as having been terminated immediately before the date on which the transfer would occur, but he shall not be treated, for any purpose, as having been dismissed by the Authority.

(7) This article is without prejudice to any right of an officer to terminate his contract of employment if a substantial change is made to his detriment in his working conditions; but no such right shall arise by reason only that the identity of his employer changes unless the officer shows, that, in all the circumstances, the change is a significant change and is to his detriment.

(8) For the purposes of this article, the relevant new employer is—

- (a) in the case of a designated officer, the London Borough of Ealing;
- (b) in any other case, the Trust.