
STATUTORY INSTRUMENTS

2010 No. 425

**The NHS Professionals Special Health
Authority (Abolition) Order 2010**

Transfer of officers of NHS Professionals

4.—(1) This paragraph applies in relation to any person who, immediately before 1st April 2010, was an officer of NHS Professionals.

(2) Any officer to whom paragraph (1) applies shall, on 1st April 2010, be transferred to the employment of the Secretary of State.

(3) The contract of employment of an officer transferred under paragraph (2)—

(a) is not terminated by the transfer; and

(b) shall have effect on and after 1st April 2010 as if originally made between that officer and the Secretary of State.

(4) Without prejudice to paragraph (3)—

(a) all the rights, powers, duties and liabilities of NHS Professionals under, or in connection with, a contract to which that paragraph applies shall, by virtue of this paragraph, be transferred to the Secretary of State on 1st April 2010; and

(b) anything done before 1st April 2010 by, or in relation to, NHS Professionals in respect of the officer or the contract of employment of that officer, shall be deemed to have been done by, or in relation to, the Secretary of State.

(5) Paragraphs (2) to (4) do not transfer an officer's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if that officer has objected to the transfer to the Secretary of State and had informed NHS Professionals of that objection on or before 31st March 2010.

(6) Where an officer has objected as mentioned in paragraph (5), the contract of employment of that officer with NHS Professionals shall be terminated immediately before the date on which the transfer would occur, but that officer shall not be treated, for any purpose, as having been dismissed from NHS Professionals.

(7) This article is without prejudice to any right of an officer to terminate the contract of employment with NHS Professionals if a substantial and detrimental change is made to that officer's working conditions; but no such right shall arise by reason only of the change in employer effected by this article.