



Home Office

The National Crime Agency Staff Transfer Scheme 2013

July 2013

The National Crime Agency Staff Transfer Scheme 2013

Presented to Parliament pursuant to paragraph 1(3) of Schedule 8 to the Crime and Courts Act 2013

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Home Office, National Crime Agency Programme,
5th Floor, Fry Building, 2 Marsham Street, London SW1P 4DF.

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Coming into force 7th October 2013

The Secretary of State for the Home Department makes the following Scheme in exercise of the powers conferred on her by paragraph 1 of Schedule 8 of the Crime and Courts Act 2013.

Citation and Commencement

1. This Scheme may be cited as the National Crime Agency Staff Transfer Scheme 2013 and shall come into force on 7th October 2013.

Interpretation

2. In this Scheme-

“contract of employment” means the terms and conditions of employment of an employee;

“conditions of service as a constable” means the conditions of service as a constable with an England and Wales police force;

“employer” means the employer of any employee and in respect of constables is a reference to the chief officer of the police force, and the policing body for the police force, in which the constable serves;

“NCA” means the National Crime Agency;

“employee” means an individual who, immediately before the transfer date, is employed by SOCA, or who is a member of civilian staff employed by an England and Wales police force, and who has been notified in writing prior to the transfer date that he or she will be transferring to the NCA and in the case of a SOCA employee has not given notice pursuant to paragraph 3(1);

“constable” means an individual who immediately before the transfer date holds the office of constable with an England and Wales police force and who has been notified in writing prior to the transfer date that he or she will be transferring to the NCA;

“SOCA” means the Serious Organised Crime Agency;

“SOCA employee” means an individual who, immediately before the transfer date, is employed by SOCA;

“transfer date” means the 7th October 2013;

“secondment” means any agreement between an individual’s employer and SOCA whereby the individual carries out work for a period of time for SOCA.

Objections

3. (1) The provisions set out in paragraph 4 shall not apply to a SOCA employee to whom it would otherwise apply if by 19th July 2013 that individual gives notice in writing to the Director General of SOCA objecting to the operation of this Scheme in relation to her or him.

(2) Where a SOCA employee would otherwise become an employee of the NCA by virtue of paragraph 4 but has given notice in accordance with sub paragraph 3(1) objecting to the operation of this Scheme to her or him –
 - (a) the contract of employment of that individual (and the rights, powers, duties and liabilities under or in connection with it) shall not transfer to the NCA;
 - (b) the contract of employment of that individual shall be terminated immediately before the transfer date; and
 - (c) that individual shall not be treated, for any purpose, as having been dismissed by his or her employer.

Transfer Provisions

4. (1) On the transfer date the contract of employment of employees will transfer to the NCA so they become officers of the NCA and, accordingly, employed in the civil service of the state.

(2) On the transfer date the conditions of service of constables will transfer to the NCA, and constables treated as having resigned from their membership of the police force (and thus from the office of constable) so they become officers of the NCA and, accordingly, employed in the civil service of the state.

(3) So far as may be consistent with employment in the civil service, an employee's contract of employment and a constable's conditions of service as a constable have effect from the transfer date as if originally made between the individual and the NCA.

(4) Where an employee's contract of employment or a constable's conditions of service as a constable is transferred to the NCA by virtue of this paragraph, subject to sub-paragraph (5)-
 - (a) all the rights, powers, duties and liabilities of an employer under or in connection with the employee's contract of employment or a constable's conditions of service as a constable are by virtue of this sub-paragraph transferred to the NCA on the transfer date;
 - (b) any act or omission before that date, of the employer in relation to the employee's contract of employment or the constable's conditions of service as a constable, is to be treated from that date as an act or omission of the NCA.
(5) Sub-paragraph (4) shall not transfer or otherwise affect the liability of any person to be prosecuted for, convicted of and sentenced for any offence.

(6) The period of employment of employees or the period of service of constables with their employer on the transfer date counts as a period of employment with the NCA and a transfer by operation of this Scheme does not break continuity of employment or period of service.

Dismissals

5. A person who would otherwise be treated (by an enactment or otherwise) as dismissed by the operation of this Scheme is not to be so treated.

Disapplication of provisions preventing employment in civil service

6. The transferred employees and constables become officers of the NCA despite any provision, of whatever nature, which would otherwise prevent them from being employed in the civil service of the state.

Secondments

7. On the transfer date a person's secondment to SOCA will continue as a secondment of that person to the NCA.

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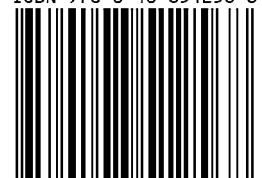
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