

Parliament (Joint Departments) Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the authorities of the House of Commons and the House of Lords together with the Cabinet Office, are published separately as HL Bill 29 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Baroness Amos has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Parliament (Joint Departments) Bill [HL] are compatible with the Convention rights.

Parliament (Joint Departments) Bill [HL]

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Schedule – Staff transfers

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B I L L

TO

Provide for joint departments of the Houses of Parliament; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Joint departments of the Houses of Parliament

- (1) The Corporate Officers may establish joint departments of the Houses of Parliament.
- (2) A joint department has the functions that the Corporate Officers allocate to it from time to time. 5
- (3) The Corporate Officers may divide, amalgamate or abolish joint departments.
- (4) Their powers in connection with joint departments include power—
 - (a) to acquire, hold, manage and dispose of land and other property of any description;
 - (b) to enter into contracts; 10
 - (c) to do anything reasonably necessary or expedient for or incidental to their powers.
- (5) In this Act—
 - “Corporate Officers” means the Corporate Officer of the House of Commons and the Corporate Officer of the House of Lords; 15
 - “joint department” means a department established under this section.

2 Exercise of functions of the Corporate Officers

- (1) The Corporate Officers’ functions in connection with joint departments are exercisable by them only jointly.
- (2) Subsection (3) applies to— 20
 - (a) the exercise of functions under section 1(1) or (3);

- (b) the exercise of functions under section 1(2), if it changes the overall character of the services provided by the joint department.
- (3) In those cases –
- (a) the Corporate Officer of the House of Commons may act only with the approval of the House of Commons Commission; 5
 - (b) the Corporate Officer of the House of Lords may act only in accordance with recommendations made by the House Committee of the House of Lords and approved by that House.
- (4) In subsection (3)(b) the reference to the House Committee includes a reference to any committee the House of Lords designates instead of that Committee for the purposes of this section. 10
- 3 Staff**
- (1) The staff of a joint department are appointed by the Corporate Officers and must be employed under a contract of employment with them.
- (2) The Corporate Officers must ensure – 15
- (a) that the pay of staff is kept broadly in line with pay in the Home Civil Service;
 - (b) that, so far as is consistent with the requirements of both Houses of Parliament, the other conditions of service of staff are kept broadly in line with those in the Home Civil Service; 20
 - (c) that the pensions and similar benefits of existing and former staff are kept in line with the provisions of the principal Civil Service Pension Scheme, as it applies for the time being to the Home Civil Service.
- (3) Subsection (2)(c) does not apply to existing or former staff if provision for pensions and similar benefits – 25
- (a) was made for them under another scheme before they joined the joint department, and
 - (b) continues to be made under that scheme in respect of their service in that department.
- 4 Staff transfers** 30
- The Schedule (staff transfers) has effect.
- 5 Application of enactments**
- (1) An enactment applying in relation to persons employed under a contract of employment with the Corporate Officer of the House of Lords applies in the same way in relation to staff of a joint department. 35
- (2) For the purposes of any enactment relating to either House of Parliament, anything done by or on behalf of a joint department or in relation to it is done by or on behalf of each House or in relation to each House (as the case may be).
- (3) This section applies to enactments whenever passed or made.
- 6 Short title** 40
- This Act may be cited as the Parliament (Joint Departments) Act 2007.

SCHEDULE

Section 4

STAFF TRANSFERS

Introductory

- 1 (1) This Schedule applies for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246). 5
- (2) Anything treated under this Schedule as a transfer of an undertaking is to be treated as a relevant transfer.
- (3) Anyone treated under this Schedule as employed in an undertaking transferred is to be treated as assigned to an organised grouping of resources that is subject to the relevant transfer. 10
- (4) Nothing in this Schedule prevents the Regulations applying in a case where they would apply apart from this Schedule.
- 2 (1) In this Schedule –
 - “change” in any paragraph means the change in allocation of functions referred to in sub-paragraph (1) of the paragraph; 15
 - “employed” means employed under a contract of employment;
 - “House authority” –
 - (a) in relation to the House of Commons, means the House of Commons Commission;
 - (b) in relation to the House of Lords, means the Corporate Officer of the House of Lords; 20
 - “House department” means a department of either House of Parliament.
- (2) This Schedule, as it applies in relation to a department of the House of Commons, also applies in relation to an office or post in that House (and not in a department) in which a person is, or is to be, employed in or for the purposes of that House. 25

Transfer to joint department: existing functions

- 3 (1) This paragraph applies if a function ceases to be allocated to a House department on being allocated to a joint department. 30
- (2) The function is to be treated as transferred from the House authority to the Corporate Officers.
- (3) The transfer is to be treated as the transfer of an undertaking.
- (4) A person is to be treated as employed in the undertaking immediately before the transfer if he meets the conditions in sub-paragraph (5). 35
- (5) The conditions are –
 - (a) immediately before the transfer he is employed in the House department in connection with the function transferred;

- (b) before the transfer, the House authority from which the transfer is made designates him for the purposes of the change.

Transfer to joint department: new functions

- 4 (1) This paragraph applies if—
- (a) a function not allocated to a House department is allocated to a joint department, and 5
- (b) before it is allocated, a House authority designates, for the purposes of the change, a person employed by the authority in a House department.
- (2) The function is to be treated as transferred from the House authority to the Corporate Officers. 10
- (3) The transfer is to be treated as the transfer of an undertaking.
- (4) The designated person is to be treated as employed in the undertaking immediately before the transfer if he is employed in the House department at that time. 15
- (5) Persons employed in different House departments, or different Houses, may be designated for the purposes of the same change.

Transfer from joint department: functions continue

- 5 (1) This paragraph applies if a function ceases (so far as exercisable in relation to either House) to be allocated to a joint department on being allocated to a House department. 20
- (2) The function allocated to the House department is to be treated as transferred from the Corporate Officers to the House authority.
- (3) The transfer is to be treated as the transfer of an undertaking.
- (4) A person is to be treated as employed in the undertaking immediately before the transfer if he meets the conditions in sub-paragraph (5). 25
- (5) The conditions are—
- (a) immediately before the transfer he is employed in the joint department in connection with the function (whether or not the function so far as exercisable in relation to the House concerned); 30
- (b) before the transfer, the Corporate Officers designate him for the purposes of the change.

Transfer from joint department: functions cease

- 6 (1) This paragraph applies if—
- (a) a function ceases (so far as exercisable in relation to either House or both) to be allocated to a joint department without being allocated to a House department, and 35
- (b) before it ceases to be allocated, the Corporate Officers designate one or both of the House authorities for the purposes of the change.
- (2) Where only one House authority is designated, the function ceasing to be allocated is to be treated as transferred from the Corporate Officers to that authority. 40

- (3) Where both House authorities are designated, the function ceasing to be allocated is to be treated as comprising –
 - (a) a function transferred from the Corporate Officers to one of the House authorities, and
 - (b) a function transferred from the Corporate Officers to the other House authority. 5
- (4) The transfer, or each transfer, is to be treated as the transfer of an undertaking.
- (5) A person is to be treated as employed in the undertaking immediately before its transfer to a House authority if he meets the conditions in sub-paragraph (6). 10
- (6) The conditions are –
 - (a) immediately before the transfer he is employed in the joint department in connection with the function ceasing to be allocated;
 - (b) before the transfer, the Corporate Officers designate him for the purposes of the transfer to the House authority concerned. 15

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To provide for joint departments of the Houses of Parliament; and for connected purposes.

Baroness Amos

Ordered to be Printed, 23rd January 2007

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS
LONDON – THE STATIONERY OFFICE LIMITED

Printed in the United Kingdom by
The Stationery Office Limited

£x.xx

HL Bill 29

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