
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 96

**The Northern Ireland Regional Medical Physics
Agency (Dissolution and Transfer of Staff, Assets
and Liabilities) Order (Northern Ireland) 2009**

Scheme for the transfer of staff

- 6.—(1) A scheme made by the Department under this Article shall—
- (a) identify the transferring employees (whether by name or otherwise);
 - (b) include provision securing pension protection for such employees;
 - (c) include provision for procedures designed to resolve any grievances of such employees arising in relation to matters dealt with by the scheme; and
 - (d) include provision for the payment of compensation by the Department to any such employee who suffers loss or detriment in consequence of the scheme.
- (2) Before making the scheme the Department shall consult—
- (a) in the case of a scheme which identifies the transferring employees by name, those employees; and
 - (b) in the case of a scheme which identifies transferring employees in any other way, such persons as appear to the Department to be representative of the transferring employees.
- (3) For the purposes of sub-paragraphs (1) and (2)—
- (a) “pension protection” is secured for a transferring employee if, after the change of employer effected by the scheme, the employee has, as an employee of the trust, rights to acquire pension benefits and those rights are the same as or (taken as a whole) no less favourable than those that employee had as an employee of the Agency;
 - (b) “transferring employee” means an employee of the Agency whose contract of employment becomes a contract of employment with the trust.
- (4) Procedures under sub-paragraph (1)(c) shall involve consideration of grievances by a person other than—
- (a) a member, or member of staff of the Agency; or
 - (b) a member of staff of the Department.