

## SCHEDULES

### SCHEDULE 1

#### THE FISHERIES CONSERVANCY BOARD FOR NORTHERN IRELAND

#### PART 1

##### TRANSFER OF ASSETS, LIABILITIES, STAFF, ETC.

1. In this Schedule—

“the appointed day” means the day appointed under section 7 for the coming into operation of section 1(1);

“the Board” means the Fisheries Conservancy Board for Northern Ireland;

“the Department” means the Department of Culture, Arts and Leisure;

“the employment of the Department” means employment in the Northern Ireland civil service for the purposes of the Department.

##### *Transfer of assets and liabilities*

2.—(1) All assets and liabilities to which the Board is entitled or subject immediately before the appointed day shall on that day be transferred to, and by virtue of this paragraph vest in, the Department.

(2) Sub-paragraph (1) has effect in relation to assets or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the assets or liabilities otherwise than by that sub-paragraph.

(3) But sub-paragraph (1) does not apply to rights or liabilities under a contract of employment (which are dealt with by paragraph 3).

(4) A certificate by the Department that anything specified in the certificate has vested in the Department by virtue of this paragraph is conclusive evidence for all purposes of that fact.

##### *Transferring employees*

3.—(1) This paragraph applies to persons who immediately before the appointed day are employed by the Board.

(2) The Department shall make a scheme providing for the transfer as from the appointed day of persons to whom this paragraph applies to the employment of the Department.

(3) The [Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#) apply to a transfer effected by the scheme whether or not the transfer would, apart from this paragraph, be a relevant transfer for the purposes of those regulations.

(4) The scheme shall—

- (a) identify 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 that transfer.

(5) Procedures under sub-paragraph (4)(c) must involve consideration of grievances by a person other than—

- (a) a member, or member of staff, of the Board; or
- (b) a member of the Northern Ireland civil service.

(6) The scheme may include supplementary, incidental, transitional and consequential provision.

(7) Before making the scheme the Department shall consult—

- (a) in the case of a scheme which identifies 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 transferring employees.

(8) For the purposes of this paragraph—

- (a) “pension protection” is secured for a transferring employee if after the change of employer effected by the scheme the employee has, as a member of the Northern Ireland civil service, rights to acquire pension benefits and those rights are the same as or (taken as a whole) no less favourable than those that the transferring employee had as an employee of the Board;
- (b) “the scheme” means the scheme made under this paragraph; and
- (c) “transferring employee” means an employee of the Board who is transferred to the employment of the Department by the scheme.

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*Status: This is the original version (as it was originally enacted).*

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*References to, and acts, etc. done by, or in relation to, the Board*

4.—(1) In any statutory provision or document any reference to the Board shall, in relation to any time after the appointed day, be construed as a reference to the Department.

(2) Sub-paragraph (1) applies unless contrary provision is made by this Act or the context otherwise requires.

(3) Nothing in this Act affects the validity of anything done by, or in relation to, the Board before the appointed day.

(4) Anything which before the appointed day was done by or in relation to the Board shall, if in effect immediately before that day, continue to have effect to the same extent and subject to the same provisions as if it had been done by, or in relation to, the Department.

(5) Anything (including any legal proceedings) in the process of being done by or in relation to the Board immediately before the appointed day may be continued by or in relation to the Department.

(6) Any byelaws made by the Board under a provision of the [Fisheries Act \(Northern Ireland\) 1966 \(c. 17\)](#) amended by Part 2 of this Schedule which are in force immediately before the appointed day shall have effect as if they were regulations made by the Department under that provision as so amended (and so may be amended or revoked by such regulations).

*Accounts and reports: transitional arrangements*

5.—(1) The Department shall make arrangements for—

- (a) a statement of accounts to be prepared in relation to the Board; and
- (b) a report to be prepared on the activities of the Board,

for such period ending immediately before the appointed day as the Department may determine.

(2) The statement of accounts and report shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may determine.

(3) The Department shall send a copy of the statement of accounts to the Comptroller and Auditor General for Northern Ireland.

(4) The Comptroller and Auditor General shall—

- (a) examine and report on any statement of accounts received from the Department under sub-paragraph (3); and
- (b) send a copy of any such report to the Department.

(5) The Department shall lay a copy of the statement of accounts, the Comptroller and Auditor General's report and the report mentioned in sub-paragraph (1)(b) before the Assembly.