

SCHEDULES

SCHEDULE 1

Section 1

TRANSFER OF ASSETS, LIABILITIES AND STAFF OF COMMISSION

Transfer of assets and liabilities

1.—(1) All assets and liabilities to which the Commission is entitled or subject immediately before the dissolution date shall on that date 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 2).

(4) A certificate issued by the Department that any assets or liabilities have been transferred to the Department under this paragraph shall be conclusive evidence of the transfer.

Transfer of employed staff

2.—(1) Persons who immediately before the dissolution date are employed by the Commission are transferred on that date to employment in the Northern Ireland civil service for the purposes of the Department.

(2) The Transfer of Undertakings (Protection of Employment) Regulations 2006 apply to the transfer effected by this paragraph whether or not the transfer would, apart from this paragraph, be a relevant transfer for the purposes of those Regulations.

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

3.—(1) A reference to the Commission in any statutory provision or document relating to anything transferred to the Department by virtue of this Act is to have effect, in relation to any time after the dissolution date, as a reference to the Department.

(2) Sub-paragraph (1) does not apply—

(a) to any statutory provision specifically amended by or under this Act; or

(b) if the context otherwise requires.

(3) Nothing in this Act affects the validity of anything done by, or in relation to, the Commission before the dissolution date.

(4) Anything done (or having effect as if done) before the dissolution date—

(a) by or in relation to the Commission, and

(b) for the purposes of, or in connection with, anything transferred to the Department by virtue of this Act,

is to have effect, so far as necessary for continuing its effect on and after that date, as if done by or in relation to the Department.

(5) Anything which is in the process of being done immediately before the dissolution date—

(a) by or in relation to the Commission, and

(b) for the purposes of, or in connection with, anything transferred to the Department by virtue of this Act,

may be continued by or in relation to the Department.

4.—(1) The Department must, as soon as practicable after the dissolution date—

(a) prepare a report on how the Commission has carried out its functions in the final period,

(b) lay a copy of the report before the Assembly, and

(c) once it has been laid, publish the report.

(2) The Department must, as soon as practicable after the dissolution date—

(a) prepare a statement of accounts for the Commission for the final period, and

(b) send a copy of the statement to the Comptroller and Auditor General.

(3) The Comptroller and Auditor General must—

(a) examine, certify and report on the statement, and

(b) arrange for a copy of the statement and the report to be laid before the Assembly.

(4) In this paragraph “the final period” means the period—

(a) beginning with the end of the last financial year for which the Commission produced a report and accounts in accordance with paragraphs 15 and 17 of Schedule 1 to the 2003 Order; and

(b) ending immediately before the dissolution date.