

**Changes to legislation:** The Colleges of Education (Northern Ireland) Order 2005, Paragraph 3 is up to date with all changes known to be in force on or before 22 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

## SCHEDULES

### SCHEDULE 1

#### TRANSFER OF MANAGEMENT OF THE COLLEGE

##### *Transfer of staff*

**3.—**(1) On the transfer date each relevant employee transfers to and becomes a member of the staff of the governing body.

(2) The contract of employment of a relevant employee transferred under this paragraph—

- (a) is not terminated by the transfer;
- (b) has effect from the transfer date as if originally made between the employee and the governing body.

(3) Accordingly—

- (a) all rights, powers, duties and liabilities of a relevant department under or in connection with the contract of employment are transferred to the governing body on the transfer date; and
- (b) anything done before that date by or in relation to a relevant department in respect of that contract or the relevant employee is to be treated as from that date as having been done by or in relation to the governing body.

(4) But if a relevant employee informs a relevant department before the transfer date that he objects to the transfer of his contract of employment under this paragraph—

- (a) sub-paragraphs (1) to (3) do not apply in relation to him; and
- (b) the contract of employment is terminated immediately before the transfer day, but the relevant employee is not to be treated, for any purpose, as having been dismissed by a relevant department.

(5) Sub-paragraph (4) does not affect any right of a relevant employee to terminate his contract of employment if (apart from the change of employer) a substantial change is made to his detriment in his working conditions.

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**Commencement Orders yet to be applied to the The Colleges of Education (Northern Ireland) Order 2005**

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2015/35 art. 2 commences \(2014 c. 12 \(N.I.\)\)](#)