
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**

Transfer of staff

5.—(1) Subject to paragraph (4), this Article applies to any person who, immediately before the transfer date, was employed by the Agency.

(2) In accordance with a scheme made by the Department under Article 6, the contract of employment between a person to whom this Article applies and the Agency shall have effect from the operational date as if originally made between that person and the trust.

(3) Without prejudice to paragraph (2)–

- (a) all the rights, powers, duties and liabilities of the Agency under or in connection with a contract to which that paragraph applies shall, by virtue of this Article, be transferred to the trust on the transfer date; and
- (b) anything done before that date by or in relation to the Agency in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the trust.

(4) Paragraphs (2) and (3) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to the detriment of that employee in his working conditions; but no such right shall arise by reason only of the change in employer effected by this Article.

(5) The Transfer of Undertakings (Protection of Employment) Regulations 2006⁽¹⁾ apply to the transfer whether or not the transfer would, apart from this paragraph, be a relevant transfer for the purposes of those Regulations.