

## SCHEDULES

### SCHEDULE 2

#### TRANSFER OF PROPERTY, RIGHTS, LIABILITIES AND STAFF, ETC.

##### *Transfer of certain staff of the Tourist Board*

- 5.—(1) This paragraph applies to a person who—
- (a) immediately before the appointed day is employed by the Tourist Board wholly or mainly for the purposes of the relevant functions; and
  - (b) is designated by order made by the Department for the purposes of this paragraph.
- (2) A contract of employment between a person to whom this paragraph applies and the Tourist Board shall have effect from the appointed day as if originally entered into between that person and INI.
- (3) Without prejudice to sub-paragraph (2)—
- (a) all the rights, powers, duties and liabilities of the Tourist Board under or in connection with the contract of employment are by virtue of this paragraph transferred to INI on the appointed day; and
  - (b) anything done before that day by or in relation to the Tourist Board in respect of that contract or the employee is to be treated from that day as having been done by or in relation to INI.
- (4) If a person informs the Tourist Board that he objects to the transfer of his contract of employment under this paragraph—
- (a) sub-paragraphs (2) and (3) do not apply in relation to him; and
  - (b) his employment with the Tourist Board is terminated immediately before the appointed day.
- (5) A person is not to be treated for the purposes of the [Employment Rights \(Northern Ireland\) Order 1996 \(NI 16\)](#) as having been dismissed by the Tourist Board by reason of—
- (a) his transfer under this paragraph; or
  - (b) the termination of his contract of employment under sub-paragraph (4).
- (6) This paragraph does not prejudice any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions; but no such right arises by reason only that, by virtue of this

paragraph, the identity of his employer changes unless the employee shows that in all the circumstances the change is a significant change and is to his detriment.

(7) An order under this paragraph may designate a person either individually or as a member of a class or description of employees.

(8) Before making any order under this paragraph the Department shall consult—

- (a) the Tourist Board;
- (b) in the case of an order designating a person individually, that person; and
- (c) in the case of an order designating a class or description of employees, such persons as appear to the Department to be representative of the class or description of employees concerned.

(9) The [Statutory Rules \(Northern Ireland\) Order 1979 \(NI 12\)](#) shall not apply to an order under this paragraph.