

SCHEDULES

SCHEDULE 1

THE FISHERIES CONSERVANCY BOARD FOR NORTHERN IRELAND

PART 1

TRANSFER OF ASSETS, LIABILITIES, STAFF, ETC.

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.