

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—

Changes to legislation: There are currently no known outstanding effects for the Public Authorities (Reform) Act (Northern Ireland) 2009, Paragraph 3. (See end of Document for details)

- (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.

Changes to legislation:

There are currently no known outstanding effects for the Public Authorities (Reform) Act (Northern Ireland) 2009, Paragraph 3.