
Status: Point in time view as at 12/12/2014.

Changes to legislation: There are currently no known outstanding effects for the Education Act (Northern Ireland) 2014, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 3.

Transfer of assets, liabilities and staff of dissolved bodies

Interpretation

1. In this Schedule “dissolved body” means a body listed in section 3(1).

Transfer of assets and liabilities

2.—(1) All assets and liabilities to which a dissolved body is entitled or subject immediately before the transfer date shall on that date be transferred to, and by virtue of this paragraph vest in, the Authority.

(2) Sub-paragraph (1) has effect in relation to assets or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the assets or liabilities otherwise than by that sub-paragraph.

(3) But sub-paragraph (1) does not apply to rights or liabilities under a contract of employment (which are dealt with by paragraph 3).

(4) A certificate issued by the Department that any assets or liabilities have been transferred to the Authority under this paragraph shall be conclusive evidence of the transfer.

Transfer of employed staff

3.—(1) This paragraph applies to persons who immediately before the transfer date are employed by a dissolved body.

(2) The Department may make one or more schemes with respect to persons to whom this paragraph applies.

(3) A scheme may provide for the transfer as from the transfer date of persons to whom this paragraph applies from the employment of a dissolved body to the employment of the Authority.

(4) The Transfer of Undertakings (Protection of Employment) Regulations 2006 apply to a transfer effected by a scheme whether or not the transfer would, apart from this paragraph, be a relevant transfer for the purposes of the regulations.

(5) A scheme may include supplementary, incidental, transitional and consequential provision.

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- (6) A 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 the scheme.
- (7) Before making a 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 an employee of the Authority, 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 a dissolved body;
 - (b) “scheme” means a scheme made under this paragraph; and
 - (c) “transferring employee” means an employee of a dissolved body who is transferred by virtue of this paragraph to the employment of the Authority.
- (9) Procedures under sub-paragraph (6)(c) shall involve consideration of grievances by a person other than—
- (a) a member, or member of staff, of the Authority; or
 - (b) a member of the Northern Ireland civil service.

References to, and acts, etc. done by, or in relation to, a dissolved body

- 4.—(1) In any statutory provision or document—
- (a) any reference to a dissolved body (whether general or particular) shall, in relation to any time after the transfer date, be construed as a reference to the Authority; and
 - (b) any reference which delimits a function of an education and library board by reference to its area shall, in relation to that time, be disregarded.
- (2) Sub-paragraph (1) does not apply—
- (a) to any reference which is amended by Schedule 3; or

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(b) if the context otherwise requires.

(3) Nothing in this Act affects the validity of anything done by, or in relation to, a dissolved body before the transfer date.

(4) Anything which before the transfer date was done by or in relation to a dissolved body shall, if in effect immediately before that day, continue to have effect to the same extent and subject to the same provisions as if it had been done by, or in relation to, the Authority.

(5) Anything (including any legal proceedings) in the process of being done by or in relation to a dissolved body immediately before the transfer date may be continued by or in relation to the Authority.

(6) In the case of an education and library board, this paragraph does not apply where any of paragraphs 5 to 8 of Schedule 2 to the Libraries Act (Northern Ireland) 2008 applies.

5.—(1) The Authority shall make arrangements for a statement of accounts to be prepared in relation to each dissolved body for the relevant period.

(2) Each statement of accounts shall—

- (a) be in such form, and
- (b) contain such information,

as the Department may direct.

(3) The Authority shall, within such time after the end of the relevant period as the Department may direct, send a copy of each statement of accounts—

- (a) to each of the funding departments; and
- (b) to the Comptroller and Auditor General.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts received under this paragraph; and
- (b) send a copy of each report to each of the funding departments.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

(6) In this paragraph “the relevant period” means the period—

- (a) beginning on such day as the Department may direct; and
- (b) ending immediately before the transfer date.

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