

SCHEDULES

SCHEDULE 2

Transfer of assets, liabilities and staff of dissolved bodies

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.

(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.