
STATUTORY INSTRUMENTS

1977 No. 599

Transport (Northern Ireland) Order 1977

Transfer of functions, staff, etc., from Holding Company to subsidiary company

2.—(1) The Holding Company may, with the consent of the Department, transfer to a subsidiary company formed by it under section 48(1)(i) of the Transport Act (Northern Ireland) 1967—

- (a) all or any of the functions transferred to the Holding Company by the Local Government (Transfer of Belfast Corporation Transport Functions) Order (Northern Ireland) 1973 ;
- (b) any officer or servant of the Holding Company employed wholly or mainly in the discharge of functions transferred under sub-paragraph (a);
- (c) any vehicles, plant, machinery, fixtures, fittings and other equipment which the subsidiary company may reasonably require to carry out the functions transferred to it under sub-paragraph (a);

and may let to the subsidiary company, at such rent and on such terms and conditions as the Holding Company and the subsidiary company may agree, any immoveable property vested in the Holding Company which the subsidiary company may reasonably require to carry out the functions transferred to it under sub-paragraph (a).

(2) In the construction and for the purposes of any judgment, decree, order, award, deed, contract, bond, agreement, regulation, rule, bye-law, certificate or other document made before the date of a transfer under paragraph (1) any reference to or which is to be construed as a reference to the Holding Company shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the subsidiary company.

(3) The transfer shall not affect any order, regulation, rule, direction, instruction, approval, requirement or authorisation made or given or other thing done by the Belfast Corporation before 2nd April 1973 or by the Holding Company before the date of a transfer under paragraph (1), but any such matter shall so far as it relates to functions transferred under paragraph (1) and if in force immediately before the date of the transfer continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the subsidiary company.

(4) Anything commenced before 2nd April 1973 by or under the authority of the Belfast Corporation or before the date of a transfer under paragraph (1) by the Holding Company may so far as it relates to any functions transferred be carried on or completed by or under the authority of the subsidiary company.

(5) Any investigation, legal proceedings or remedy under any transferred provision in respect of any rights or liabilities transferred to the subsidiary company may be instituted, continued or enforced by or against the subsidiary company under the powers and provisions applicable thereto immediately before the date of the transfer.

(6) In the case of an officer or servant transferred under paragraph (1) to the employment of the subsidiary company—

- (a) he shall, for so long as he continues in that employment and until he is served with a statement in writing specifying new terms and conditions of employment, enjoy terms and conditions of employment (including conditions as to superannuation benefits) not less favourable than those he enjoyed immediately before the date of the transfer; and

- (b) the said new terms and conditions shall be such that, so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of the transfer, the scale of his remuneration and the other terms and conditions of his employment are, taken as a whole, not less favourable than those he enjoyed immediately before that date.

Para. (7) rep. by 1996 NI 16

(8) Any question whether assets or liabilities are held, enjoyed or incurred before the date of the transfer by the Holding Company in connection with the functions transferred to the subsidiary company under paragraph (1) shall be determined by the Department and a certificate of the Holding Company that any assets or liabilities so held, enjoyed or incurred have been so transferred shall be conclusive evidence of such transfer.

(9) Any question as to whether an officer or servant is or was employed wholly or mainly in the discharge of functions transferred under paragraph (1) or whether the duties of a transferred officer or servant are reasonably comparable or whether terms and conditions taken as a whole are less favourable shall be reported by the Holding Company or by such officer or servant to the Department of Manpower Services, and, if a dispute so reported is not otherwise disposed of, that Department shall refer it for determination by a tribunal appointed for the purpose. The statement of new terms and conditions of employment shall contain information that any question shall be so determined and as to the person and address to whom any question should be reported.

(10) The Department may, with the approval of the Department of the Civil Service make regulations, subject to negative resolution, providing for the payment by the Department, on such terms and subject to such conditions as may be specified in the regulations, of compensation to, or in respect of, any person who suffers subsequent to his transfer loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to any provision of this Article or who on grounds which the Department considers reasonable is unable or unwilling to accept employment with a subsidiary company to which he has been transferred.

Para.(11) repeals s.13 of 1967 c.37 (NI)

Changes to legislation:

There are currently no known outstanding effects for the Transport (Northern Ireland) Order 1977, Section 2.