

SCHEDULES

SCHEDULE 2

Article 3.

TRANSFER OF PROPERTY AND STAFF

Property

1.—(1) There shall, on the day on which this paragraph comes into operation, be transferred to and vest in the Board by virtue of this Order—

- (a) all the estates held immediately before that day by the Secretary of State in land used wholly or mainly for probation purposes;
- (b) all equipment, furniture or other moveable property then owned by the Secretary of State and used on or in connection with such land for those purposes; and
- (c) all rights and liabilities to which the Secretary of State was entitled or subject immediately before that day, being rights and liabilities acquired or incurred solely in connection with any such land, equipment, furniture or other moveable property.

(2) The Secretary of State may by regulations make such provision supplementary to or consequential on the provisions of sub-paragraph (1) as appears to him to be necessary or expedient, and in particular, but without prejudice to the foregoing, may provide by such regulations—

- (a) for the determination by arbitration, in default of agreement, of any question arising as to whether any property, right or liability will be or has been transferred under that sub-paragraph;
- (b) where any property, right or liability transferred under this paragraph or the title to any such property or right is entered on any register kept in pursuance of any enactment, for the amendment of the entry by the person keeping the register;
- (c) for enabling pending proceedings relating to any property, rights or liabilities transferred under this paragraph to be continued; and
- (d) for substituting, as from the beginning of the day on which this paragraph comes into operation, for any reference, in any enactment, judgment, decree, order, award, deed, contract, regulation, rule, bye-law, certificate or other document affecting any property, right or liability transferred under this paragraph and passed or made before that day, to the Secretary of State, or for any reference which is to be construed as a reference to the Secretary of State, a reference to the Board.

[^{F1}(3) Regulations made by the Secretary of State under sub-paragraph (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.]

F1 Sch. 2 para. 1(3) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, Sch. 14 para. 26 (with arts. 28-31); S.I. 2010/977, art. 1(2)

Changes to legislation: There are currently no known outstanding effects for the The Probation Board (Northern Ireland) Order 1982, SCHEDULE 2. (See end of Document for details)

Staff

2.—(1) Notwithstanding anything in Schedule 1, the Board shall make to each person who immediately before the commencement of this paragraph was employed in the Northern Ireland Civil Service as a probation officer or as a probation assistant an offer of employment by the Board on terms which, taken as a whole, are not less favourable to that person than the terms on which he is employed on the date when the offer is made; and an offer made in pursuance of this paragraph shall not be revocable during the period of three months beginning with the date on which the offer is made.

(2) Any person to whom an offer is made under this paragraph shall not, if retired from the Northern Ireland Civil Service on redundancy in consequence of this Order, be eligible for any compensation benefit in respect of that redundancy payable under any scheme made under Article 3 of the Superannuation (Northern Ireland) Order 1972^{F2}, but this sub-paragraph is without prejudice to any other provision of such a scheme.

F2 [1972 NI 10](#)

[^{F3}3.—(1) Any probation officer appointed by the Ministry of Home Affairs before 14th February 1950 shall be deemed to have been appointed under the Probation Act (Northern Ireland) 1950 and any full#time service rendered by him as a probation officer before that date shall, for the purposes of the Superannuation (Northern Ireland) Order 1972 be deemed to have been service in an unestablished capacity.

(2) Sub#paragraph (1) is without prejudice to the Northern Ireland (Modification of Enactments # No.1) Order 1973 (which amongst other things transferred the functions of the Ministry of Home Affairs under the Probation Act (Northern Ireland) 1950 to the Secretary of State).]

F3 [1996 NI 24](#)

Changes to legislation:

There are currently no known outstanding effects for the The Probation Board (Northern Ireland) Order 1982, SCHEDULE 2.