

## SCHEDULES

### SCHEDULE 1

Article 16.

#### PROVISIONS TO FACILITATE TRANSFER OF HOSTELS

##### Interpretation

1. In this Schedule “appointed day” and “persons in need” have the meanings given in Article 16(3).

##### Transfer of staff of certain hostels

2.—(1) The Department may make a scheme providing for the transfer on the appointed day to the employment of the Executive of officers who immediately before that day are employed by a health and social services board wholly or mainly for the purposes of providing hostel accommodation for persons in need.

(2) A transferred officer shall, so long as he continues in the employment of the Executive in accordance with a scheme under sub#paragraph (1) and until he is served with a statement in writing by the Executive setting out his new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those he enjoyed immediately before the appointed day.

(3) The new terms and conditions referred to in sub#paragraph (2) shall be such that—

- (a) as long as a transferred officer is engaged in duties reasonably comparable to those in which he was engaged immediately before the appointed day, the scale of his salary or remuneration; and
- (b) the other terms and conditions of his employment;

are taken as a whole not less favourable than those he enjoyed immediately before that day.

*Sub-paras. (4),(5) rep. by 1996 NI 16*

(6) Any question arising in relation to a transferred officer as to—

- (a) whether he is or was employed wholly or mainly for the purposes mentioned in sub#paragraph (1);
- (b) whether he is engaged in duties reasonably comparable to those in which he was engaged immediately before the appointed day; or
- (c) whether his terms and conditions of employment taken as a whole are less favourable than those he enjoyed immediately before that day,

shall, if not otherwise determined, be referred for determination by an industrial tribunal whose decision shall be final.

(7) The Department may make regulations providing for the payment by the Executive, on such terms and subject to such conditions as may be specified in the regulations, of compensation to, or in respect of, any transferred officer who suffers subsequent to his transfer loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to the provisions of this paragraph or who on grounds which the Department considers reasonable is unable or unwilling to accept employment with the Executive.

(8) Regulations under sub#paragraph (7) may include provision—

*Changes to legislation:* There are currently no known outstanding effects for the *The Housing (Northern Ireland) Order 1988*. (See end of Document for details)

- (a) as to the manner in which, the time within which and the person to whom any claim for compensation is to be made;
  - (b) for the determination by an industrial tribunal of questions arising under the regulations.
- (9) Regulations under sub#paragraph (7)—
- (a) shall be subject to negative resolution; and
  - (b) may have effect from a date earlier than that on which the regulations are made but not so as to place any person in a worse position than he would have been in if the regulations had effect only from the date of the making thereof.
- (10) In this paragraph—
- “terms and conditions of employment” includes terms and conditions relating to superannuation benefit;
  - “transferred officer” means an officer transferred under a scheme made under sub# paragraph (1).

### Transfer of hostels

- 3.—(1) The Department of Health and Social Services may, with the approval of the Department, enter into an agreement with the Executive for the transfer to the Executive of—
- (a) any real or personal property which immediately before the appointed day was held by the Department of Health and Social Services wholly or partly for the purposes of providing hostel accommodation for persons in need; and
  - (b) any rights and liabilities to which the Department of Health and Social Services was entitled or subject immediately before that day in relation to, or in connection with, any such property.
- (2) A health and social services board may enter into an agreement with the Executive for the transfer to the Executive of—
- (a) any personal property situated in the area of the board which immediately before the appointed day was held by the health and social services board wholly or partly for the purposes of providing hostel accommodation for persons in need; and
  - (b) any rights and liabilities to which the health and social services board was entitled or subject immediately before that day in relation to, or in connection with, any such property.
- (3) An agreement under sub#paragraph (1) or (2) may include provision for the transfer to the Executive of property held on trust by the Department of Health and Social Services or a health and social services board.
- (4) Where any property held on trust is transferred to the Executive by an agreement under sub# paragraph (1) or (2), it shall be held by the Executive on trust for such purposes relating to services provided by the Executive as the Executive thinks fit; but in exercising its discretion under this sub# paragraph the Executive shall secure, as far as is reasonably practicable, that the objects of the trust are not prejudiced.
- (5) Stamp duty shall not be chargeable on any instrument or other document executed for the purposes of transferring property to the Executive under this paragraph.

### Power to make other transitional provisions

4. The Department may by order subject to negative resolution make such other transitional provision as appears to the Department to be necessary or expedient in consequence of the coming into operation of Article 16 or this Schedule.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1988. (See end of Document for details)*

*Schedule 2—Amendments*

*Schedule 3—Repeals*

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1988.