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STATUTORY INSTRUMENTS

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**1989 No. 2406**

**The Education Reform(Northern Ireland) Order 1989**

**PART III**

**THE CURRICULUM**

*The Northern Ireland Curriculum Council and the Northern Ireland Schools Examinations and Assessment Council*

**Transfer of property and staff to the Council**

**27.**—(1) The Department may by order provide for the transfer to the Council of—

- (a) such of the property of an existing body;
- (b) such of the rights and liabilities of such a body (other than rights and liabilities arising under contracts of employment),

as, in its opinion, require to be so transferred for the purpose of enabling the Council properly to perform its functions.

(2) Paragraph (3) applies to any person who—

- (a) immediately before the establishment of the Council is employed by an existing body; and
- (b) is as respects the Council designated by order of the Department.

(3) The contract of employment between a person to whom this paragraph applies and the existing body shall have effect from the date on which the order under paragraph (2) comes into operation as if originally made between him and the Council.

(4) Without prejudice to paragraph (3)—

- (a) all the existing body's rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies shall by virtue of that paragraph be transferred to the Council on the date on which the order under paragraph (2) comes into operation; and
- (b) anything done before that date by or in relation to the existing body in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the Council.

(5) Paragraphs (3) and (4) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by paragraph (3).

(6) An order under paragraph (2) may designate a person either individually or as a member of a class or description of employees.

(7) No order under this Article shall be made more than six months after the date on which the Council is established.

(8) In this Article "existing body" means—

- (a) the Northern Ireland Schools Examinations Council;

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (b) the Department; or
- (c) the managers of a college of education maintained in pursuance of arrangements made by the Department under Article 66(1) of the principal Order.