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STATUTORY INSTRUMENTS

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**2003 No. 418**

**The Audit and Accountability (Northern Ireland) Order 2003**

*Reorganisation of audit arrangements*

**Transfer of staff to Northern Ireland Audit Office**

- 8.—(1) This Article applies to any person who immediately before the transfer date—
- (a) is employed by the Department of the Environment wholly or mainly for the purposes of section 74 of the Local Government Act (Northern Ireland) 1972 (c. 9) and is designated by an order made by that Department for the purposes of this Article; or
  - (b) is employed by the Department of Health, Social Services and Public Safety wholly or mainly for the purposes of Article 90 or 91 of the [Health and Personal Social Services \(Northern Ireland\) Order 1972 \(NI 14\)](#) and is designated by an order made by that Department for the purposes of this Article.
- (2) A contract of employment between a person to whom this Article applies and the relevant employer shall have effect from the transfer date as if originally made between that person and the Comptroller and Auditor General.
- (3) Without prejudice to paragraph (2)—
- (a) all the relevant employer's rights, powers, duties and liabilities under or in connection with the contract shall by virtue of this Article be transferred to the Comptroller and Auditor General on the transfer date; and
  - (b) anything done before that date by or in relation to the relevant employer in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the Comptroller and Auditor General.
- (4) Paragraphs (2) and (3) do not transfer an employee's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if he informs the relevant employer that he objects to the transfer.
- (5) Where an employee objects as mentioned in paragraph (4), his contract of employment with the relevant employer is terminated immediately before the transfer date, but he shall not be treated, for any purpose, as having been dismissed by the relevant employer.
- (6) This Article does not prejudice any right of the 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 of employer effected by this Article unless the employee shows that, in all the circumstances, the change is a significant change and to his detriment.
- (7) An order under paragraph (1) may designate a person either individually or as a member of a class or description of employees.
- (8) Before making any order under paragraph (1) the relevant employer shall consult—
- (a) in the case of an order designating a person individually, that person; and
  - (b) in the case of an order designating a class or description of employees, such persons as appear to the relevant employer to be representative of the class or description of employees concerned.

(9) The [Statutory Rules \(Northern Ireland\) Order 1979 \(NI 12\)](#) shall not apply to any order made under paragraph (1).

(10) This Article applies to a person who is employed in the civil service of Northern Ireland otherwise than under a contract of employment as if the terms and conditions of his employment constituted a contract of employment.

(11) In this Article—

“relevant employer”—

- (a) in relation to a person to whom this Article applies by virtue of paragraph (1)(a), means the Department of the Environment; and
- (b) in relation to a person to whom this Article applies by virtue of paragraph (1)(b), means the Department of Health, Social Services and Public Safety;

“the transfer date” means 1st April 2003.