

## SCHEDULES

### SCHEDULE 2

#### TRANSFER OF FUNCTIONS, ASSETS, LIABILITIES AND STAFF OF FIRE AUTHORITY FOR NORTHERN IRELAND

##### *Transfer of employed staff*

4.—(1) Subject to sub-paragraphs (2) and (3), this paragraph applies to a person who immediately before the appointed day is employed by the Authority.

(2) This paragraph does not apply to a person if his contract of employment terminates on the day immediately before the appointed day.

(3) Where a person—

(a) has, prior to the appointed day, entered into a contract of employment with the Authority which is to come into effect on or after that day, and

(b) would, if the contract had come into effect before that day, have been a person to whom this paragraph applies,

he shall be treated as if he were a person to whom this paragraph applies.

(4) A contract of employment between a person to whom this paragraph applies and the Authority shall have effect from the appointed day as if originally made between that person and the Board.

(5) Without prejudice to sub-paragraph (4)—

(a) all the Authority's rights, powers, duties and liabilities under or in connection with the contract of employment are by virtue of this paragraph transferred to the Board on the appointed day; and

(b) anything done before that day by or in relation to the Authority in respect of that contract or the employee is to be treated from that day to have been done by or in relation to the Board.

(6) If a person informs the Authority that he objects to the transfer of his contract of employment under this paragraph—

(a) sub-paragraphs (4) and (5) do not apply in relation to him; and

(b) his contract of employment with the Authority is terminated immediately before the appointed day.

(7) A person is not to be treated for the purposes of the Employment Rights (Northern Ireland) Order 1996 (NI 16) as having been dismissed by the Authority by reason of—

(a) his transfer under this paragraph; or

(b) the termination of his contract of employment under sub-paragraph (6).

(8) This paragraph does not prejudice 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 arises by reason only that, by virtue of this paragraph the identity of his employer changes unless the employee shows that, in all the circumstances, the change is a significant change and to his detriment.

**Changes to legislation:**

There are currently no known outstanding effects for the The Fire and Rescue Services (Northern Ireland) Order 2006, Paragraph 4.