

SCHEDULES

SCHEDULE 1

THE NORTHERN IRELAND HEALTH AND PERSONAL SOCIAL SERVICES REGULATION AND IMPROVEMENT AUTHORITY

Transfer of staff to the Regulation and Improvement Authority

16.—(1) The Department may by order make a scheme for the transfer to the Regulation and Improvement Authority of any eligible employee.

(2) The scheme may apply to all eligible employees or to such of them as are specified in the scheme.

(3) The Department shall not make an order under this paragraph unless such requirements as may be prescribed about consultation have been complied with in relation to each of the employees to be transferred under the scheme.

(4) The contract of employment of an employee transferred under the scheme—

(a) is not terminated by the transfer; and

(b) has effect from the date of transfer as if originally made between the employee and the Regulation and Improvement Authority.

(5) Where an employee is transferred under the scheme—

(a) all the rights, powers, duties and liabilities of Boards under or in connection with the contract of employment are by virtue of this sub-paragraph transferred to the Regulation and Improvement Authority on the date of transfer; and

(b) anything done before that date by or in relation to Boards in respect of that contract or the employee is to be treated from that date as having been done by or in relation to the Regulation and Improvement Authority.

(6) Sub-paragraph (5) does not prejudice the generality of sub-paragraph (4).

(7) 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 is to his detriment.

(8) In this paragraph—

“date of transfer” means the date of transfer determined under the scheme in relation to the employee;

“eligible employee” means a person who is employed under a contract of employment with a Health and Social Services Board on work which would have continued but for the provisions of this Order.

(9) An order under this paragraph shall not be a statutory rule for the purposes of the [Statutory Rules \(Northern Ireland\) Order 1979 \(NI 12\)](#).