

SCHEDULES

SCHEDULE 5

SUPPLEMENTARY AND TRANSITIONAL PROVISIONS IN CONNECTION WITH THE FOYLE, CARLINGFORD AND IRISH LIGHTS COMMISSION

3.—(1) This paragraph applies to any person who immediately before the appointed day is employed by the transferor.

(2) The contract of employment between a person to whom this paragraph applies and the transferor shall have effect from the appointed day as if originally made between him and the Body.

(3) Without prejudice to sub-paragraph (2)—

(a) all the transferor's rights, powers, duties and liabilities under or in connection with a contract to which that sub-paragraph applies shall by virtue of that sub-paragraph be transferred to the Body on the appointed day;

(b) anything done before that day by or in relation to the transferor in respect of that contract or the employee shall be deemed from that day to have been done by or in relation to the Body.

(4) Sub-paragraphs (2) and (3) 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 sub-paragraph (2).

(5) Except in accordance with a collective agreement negotiated with any recognised trade union, a person transferred under sub-paragraph (2) shall not, while in the service of the Body, be brought to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions of service (including conditions in relation to tenure of office) or remuneration to which he was subject immediately before the appointed day.

(6) Superannuation benefits granted to persons who are transferred under sub-paragraph (2) and the terms and conditions relating to those benefits shall not be less favourable to those persons than those to which they were entitled immediately before the appointed day.

(7) If any dispute arises as to whether there has been a contravention of sub-paragraph (6), the matter shall be determined by the Department of Finance and Personnel.

Commencement Information

II Sch. 5 para. 3 in force at 2.12.1999, see [art. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999, Paragraph 3.