
Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2002, Cross Heading: Vesting of certain property, rights and liabilities. (See end of Document for details)

SCHEDULE

THE NORTHERN IRELAND PRACTICE AND EDUCATION COUNCIL FOR NURSING AND MIDWIFERY

Vesting of certain property, rights and liabilities

20.—(1) All property, rights and liabilities to which this paragraph applies shall on the appointed day be transferred to, and by virtue of this paragraph vest in, the Council.

(2) This paragraph applies to property, rights and liabilities which—

(a) at any time before the appointed day were transferred by an order under Schedule 2 to the Nursing and Midwifery Order 2001 from the National Board to the Department or a person or body established or authorised by the Department; and

(b) subsist immediately before the appointed day.

(3) In this paragraph and paragraph 21—

“the appointed day” means the day appointed under section 4 for the coming into operation of this paragraph;

“the National Board” means the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland.

(4) This paragraph does not apply to rights and liabilities under or in connection with a contract of employment (which are dealt with by paragraph 21).

21.—(1) This paragraph applies to a person who—

(a) at any time before the appointed day was transferred by an order under Schedule 2 to the Nursing and Midwifery Order 2001 from the employment of the National Board to the employment of the Department or a person or body established or authorised by the Department (“the interim employer”); and

(b) is in the employment of the interim employer immediately before the appointed day.

(2) The contract of employment between a person to whom this paragraph applies and the interim employer shall have effect from the appointed day as if originally entered into between that person and the Council.

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

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

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- (b) anything done before that day by or in relation to the interim employer in respect of that contract or the employee is to be treated from that day as having been done by or in relation to the Council.
- (4) If a person informs the interim employer that he objects to the transfer of his contract of employment under this paragraph—
 - (a) sub-paragraphs (2) and (3) do not apply in relation to him; and
 - (b) his contract of employment with the interim employer is terminated immediately before the appointed day.
- (5) 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 reason of—
 - (a) his transfer under this paragraph; or
 - (b) the termination of his contract of employment under sub-paragraph (4).
- (6) 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.

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