

SCHEDULES

SCHEDULE 1

THE INDEPENDENT COMMISSION FOR POLICE COMPLAINTS FOR NORTHERN IRELAND

PART II

TRANSITIONAL

Transfer of staff

16.—(1) On the appointed day there shall be transferred to the employment of the Commission all officers and servants who immediately before that day were employed by the Board.

(2) A person transferred under sub-paragraph (1) shall, so long as he continues in the employment of the Commission and until he is served with a statement in writing by the Commission setting out his new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those he enjoyed immediately before the appointed day.

(3) The new terms and conditions referred to in sub-paragraph (2) shall be such that—

(a) as long as a person transferred under paragraph (1) is engaged in duties reasonably comparable to those in which he was engaged immediately before the appointed day, the scale of his salary or remuneration; and

(b) the other terms and conditions of his employment;

are taken as a whole not less favourable than those he enjoyed immediately before the appointed day.

Sub#paras. (4)(5) rep. by 1996 NI 16

(6) Any question arising in relation to a person as to—

(a) whether he was employed as mentioned in sub-paragraph (1);

(b) whether he is engaged in duties reasonably comparable to those in which he was engaged immediately before the appointed day; or

(c) whether his terms and conditions of employment taken as a whole are less favourable than those he enjoyed immediately before that day,

shall, if not otherwise determined, be referred for determination by an industrial tribunal whose decision shall be final.

(7) The Secretary of State may make regulations providing for the payment by the Commission, on such terms and subject to such conditions as may be specified in the regulations, of compensation to, or in respect of, any person transferred under sub-paragraph (1) who suffers subsequent to his transfer loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to any provision of this Order or who on grounds which the Secretary of State considers reasonable is unable or unwilling to accept employment with the Commission.

(8) Regulations under sub-paragraph (7) may include provision—

Changes to legislation: *Police (Northern Ireland) Order 1987, Paragraph 16 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) as to the manner in which, the time within which and the person to whom any claim for compensation is to be made;
 - (b) for the determination by an industrial tribunal of questions arising under the regulations.
- (9) Regulations under sub-paragraph (7) have effect from a date earlier than that on which the regulations are made but not so as to place any person in a worse position than he would have been in if the regulations had effect only from the date of the making thereof.

Changes to legislation:

Police (Northern Ireland) Order 1987, Paragraph 16 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- [Instrument rev. \(saving\)\(prosp.\) by 1998 c. 32 s.74\(2\)\(3\)Schs.56](#)