

## SCHEDULES

### SCHEDULE 1

#### THE INDEPENDENT COMMISSION FOR POLICE COMPLAINTS FOR NORTHERN IRELAND

#### PART II

#### TRANSITIONAL

##### *Interpretation*

**14.** In this part—

“the appointed day” means the day appointed by order under Article 1(2) for the coming into operation of Article 3;

“the Board” means the Police Complaints Board for Northern Ireland;

“terms and conditions of employment” includes terms and conditions relating to superannuation benefit.

##### *Information received by Police Complaints Board for Northern Ireland*

**15.—**(1) No information received by the Board in connection with any complaint shall be disclosed by any person who has been a member, officer or servant of the Board except—

(a) to the Secretary of State or to a member, officer or servant of the Commission or, so far as may be necessary for the proper discharge of the functions of the Commission, to other persons; or

(b) for the purposes of any criminal, civil or disciplinary proceedings.

(2) Any person who discloses information in contravention of this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

##### *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

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(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—
- (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.

#### *Transfer of property, rights and liabilities*

**17.—**(1) On the appointed day all property, rights and liabilities which immediately before that day were property, rights and liabilities of the Board shall vest in the Commission by virtue of this paragraph and without further assurance.

- (2) Stamp duty shall not be chargeable on this Order.

#### *Proceedings*

**18.** Proceedings in any court to which the Board is a party and which are pending immediately before the appointed day may be continued on and after that day by the Commission.

#### *Payments to former members of Police Complaints Board for Northern Ireland*

- 19.** Where a person—
- (a) ceases to be a member of the Board by reason of its abolition; and
  - (b) does not become a member of the Commission,

the Secretary of State may, with the consent of the Treasury, make to the person a payment of such amount as, with the consent of the Treasury, the Secretary of State may determine.

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### *General*

**20.** An order under Article 1(2) may make such other transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions of part II and this Schedule thereby brought into operation.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

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