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**Changes to legislation:** National Institutions Measure 1998, Cross Heading: Dismissal of an officer because of transfer is up to date with all changes known to be in force on or before 26 May 2023. 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](#)

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## SCHEDULES

### SCHEDULE 3

#### TRANSFER OF OFFICERS

##### *Dismissal of an officer because of transfer*

- 3 (1) Where either before or after a transfer, an officer of the transferor body or the common employer is dismissed, that officer shall be treated for the purpose of Part X of the <sup>M1</sup>Employment Rights Act 1996 (unfair dismissal) as unfairly dismissed if the transfer or a reason connected with it is the reason for the dismissal.
- (2) Where an economic, technical or organisational reason entailing changes in the workforce of either the transferor body or the common employer before or after a transfer is the reason or principal reason for dismissing an officer—
- (a) sub-paragraph (1) above shall not apply to the dismissal, but
  - (b) without prejudice to the application of section 98(4) of the said Act of 1996 (test of fair dismissal), the dismissal shall for the purpose of section 98(1) of that Act (substantial reason for dismissal) be regarded as having been for a substantial reason of a kind such as to justify the dismissal of an officer holding the position which that officer held.

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#### Marginal Citations

**M1** 1996 c. 18.

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**Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:**

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- Sch. 1 para. 4A inserted by [2010 No. 1 s. 8](#)