

## SCHEDULES

### SCHEDULE 5

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### PART II

##### THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

###### *Interpretation*

- 4 In this Part—
- “the Commission” means the Independent Commission for Police Complaints for Northern Ireland;
  - “the Ombudsman” means the Police Ombudsman for Northern Ireland;
  - “the transfer date” means the day appointed by order under section 75 for the coming into operation of section 51(5).

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

- 5 (1) On the transfer date all property, rights and liabilities which immediately before that date were property, rights and liabilities of the Commission shall be transferred to, and by virtue of this paragraph vest in, the Ombudsman.
- (2) This paragraph does not apply to any rights or liabilities under a contract of employment (which are dealt with in paragraph 6).

###### *Transfer of staff*

- 6 (1) Subject to sub-paragraphs (5) and (6), this paragraph applies to any person who immediately before the transfer date is employed by the Commission.
- (2) A contract of employment between a person to whom this paragraph applies and the Commission shall have effect from the transfer date as if originally made between that person and the Ombudsman.
- (3) Without prejudice to sub-paragraph (2)—
- (a) all the Commission’s rights, powers, duties and liabilities under or in connection with a contract to which that sub-paragraph applies shall by virtue of this paragraph be transferred to the Ombudsman on the transfer date; and
  - (b) anything done before that date by or in relation to the Commission in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the Ombudsman.

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*Status: This is the original version (as it was originally enacted).*

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- (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 this paragraph.
- (5) This paragraph does not apply to a person if his contract of employment terminates on the day immediately before the transfer date.
- (6) Where a person—
- (a) has, prior to the transfer date, entered into a contract of employment with the Commission which is to come into effect on or after that date; and
  - (b) would, if the contract had come into effect before that date, have been a person to whom this paragraph applies,
- he shall be treated as if he were a person to whom this paragraph applies.

#### *Legal proceedings*

- 7 Any legal proceedings by or against the Commission which are pending immediately before the transfer date may be continued on and after that date by or against the Ombudsman.

#### *Payments to former members of the Commission*

- 8 Where a person—
- (a) ceases to be a member of the Commission by reason of its abolition; and
  - (b) does not become the Ombudsman,
- the Secretary of State may make to the person a payment of such amount as the Secretary of State may determine.

#### *Information received by Commission*

- 9 (1) No information received by the Commission in connection with any complaint shall be disclosed by any person who has been a member, officer or servant of the Commission except—
- (a) to the Secretary of State, the Ombudsman or an officer of the Ombudsman;
  - (b) to any other person, so far as may be necessary for the proper discharge of the functions of the Ombudsman; or
  - (c) for the purpose 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.

#### *Financial year*

- 10 The first financial year of the Ombudsman shall be the period beginning with the transfer date and ending with the first 31st March which falls at least 6 months after that date.

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*Stamp duty*

- 11 Stamp duty shall not be chargeable in respect of any transfer effected by this Schedule.