

## SCHEDULES

### SCHEDULE 2

Section 2.

#### TRANSFER OF FUNCTIONS, ASSETS, LIABILITIES AND STAFF OF POLICE AUTHORITY FOR NORTHERN IRELAND

##### *Interpretation*

- 1 In this Schedule—
- “the Authority” means the Police Authority for Northern Ireland;
  - “the transfer date” means the date on which section 2(3) comes into force.

##### *Transfer of functions*

- 2 (1) The functions exercisable by the Authority immediately before the transfer date under—
- (a) any provision of the 1998 Act, or
  - (b) any other statutory provision,
- shall as from that date be exercisable by the Board.
- (2) Sub-paragraph (1) applies only to provisions which have continuing effect.

##### *Transfer of assets and liabilities*

- 3 (1) All property, rights and liabilities to which the Authority is entitled or subject immediately before the transfer date shall on that date be transferred to, and by virtue of this paragraph vest in, the Board.
- (2) This paragraph does not apply to rights and liabilities under a contract of employment (which are dealt with in paragraph 4).
- (3) A certificate by the [<sup>F1</sup>Department of Justice] that any property, right or liability has vested in the Board under this paragraph shall be conclusive evidence of that fact for all purposes.

##### **Textual Amendments**

- F1** Words in [Sch. 2 para. 3\(3\)](#) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 3 para. 87](#) (with arts. 28-31)

##### *Transfer of employed staff*

- 4 (1) Subject to sub-paragraphs (2) and (3), this paragraph applies to a person who immediately before the transfer date is employed by the Authority.

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*Changes to legislation: There are currently no known outstanding effects for the Police (Northern Ireland) Act 2000, SCHEDULE 2. (See end of Document for details)*

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- (2) This paragraph does not apply to a person if his contract of employment terminates on the day immediately before the transfer date.
- (3) Where a person—
- (a) has, prior to the transfer date, entered into a contract of employment with the Authority 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.
- (4) A contract of employment between a person to whom this paragraph applies and the Authority shall have effect from the transfer date as if originally made between that person and the Board.
- (5) Without prejudice to sub-paragraph (4)—
- (a) all the Authority's rights, powers, duties and liabilities under or in connection with the contract shall by virtue of this paragraph be transferred to the Board on the transfer date; and
  - (b) anything done before that date by or in relation to the Authority in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the Board.
- (6) Sub-paragraphs (4) and (5) do not transfer an employee's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if he informs the Authority that he objects to the transfer.
- (7) Where an employee objects as mentioned in sub-paragraph (6), his contract of employment with the Authority is terminated immediately before the transfer date, but he shall not be treated, for any purpose, as having been dismissed by the Authority.
- (8) A person transferred to the employment of the Board under this paragraph shall be treated—
- (a) as a member of the police support staff employed under section 4(3), if immediately before the transfer date he was a member of the police service staff of the Authority;
  - (b) as a member of the staff of the Board appointed under paragraph 13(1) of Schedule 1 in any other case.
- (9) This paragraph does not prejudice any right of the 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 of employer effected by this paragraph unless the employee shows that, in all the circumstances, the change is a significant change and to his detriment.

*Transfer of seconded staff*

- 5 (1) This paragraph applies to a person who immediately before the transfer date is engaged in pursuance of arrangements under section 3(4) of the 1998 Act in providing assistance to the Authority.
- (2) If, immediately before the transfer date a person to whom this paragraph applies was a member of the police service staff of the Authority, he shall be treated as a

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member of the police support staff engaged in pursuance of arrangements made under section 4(4).

- (3) In any other case, he shall be treated as a person engaged in providing assistance to the Board in pursuance of arrangements under paragraph 13(2) of Schedule 1.

*References to, and acts, etc. done by, or in relation to, the Authority*

- 6 (1) Any reference in any statutory provision or document to the Authority shall, in relation to any time after the transfer date, be construed as a reference to the Board.
- (2) Nothing in section 2 or this Schedule affects the validity of any document made or issued or any other act done by, or in relation to, the Authority before the transfer date; and any such document or act shall, if in force immediately before that date, continue in force to the same extent and subject to the same provisions as if it had been duly made, issued or done by, or in relation to, the Board.
- (3) Anything (including any legal proceedings) in the process of being done by or in relation to the Authority immediately before the transfer date may be continued by or in relation to the Board.

*Accounts*

- 7 (1) In this paragraph “the relevant period” means the period—
- (a) beginning on 1st April 2000; and
  - (b) ending immediately before the transfer date.
- (2) The Board shall—
- (a) prepare a statement of accounts for the Authority in respect of the relevant period in such form and containing such information as the Secretary of State may determine;
  - (b) send copies of that statement to the Secretary of State and the Comptroller and Auditor General within such period after the end of the relevant period as the Secretary of State may direct.
- (3) The Comptroller and Auditor General shall—
- (a) examine, certify and report on the statement of accounts received by him under sub-paragraph (2)(b); and
  - (b) lay a copy of the statement of accounts and of his report before each House of Parliament.

**Changes to legislation:**

There are currently no known outstanding effects for the Police (Northern Ireland) Act 2000, SCHEDULE 2.