
STATUTORY INSTRUMENTS

2005 No. 502

The Special Health Authorities Abolition Order 2005

Transfer of officers of the Special Health Authorities

17.—(1) This paragraph applies in relation to an officer of the NCAA who on 31st March 2005 is wholly or mainly engaged in the performance of the functions of the NCAA, unless the officer's contract of employment provides that the contract of employment terminates on 31st March 2005.

(2) Any officer to whom paragraph (1) applies shall, on 1st April 2005, be transferred to the employment of the NPSA.

(3) The contract of employment of an officer transferred under paragraph (2)—

(a) is not terminated by the transfer; and

(b) has effect from the time of the transfer as if originally made between the officer and the NPSA.

(4) Without prejudice to paragraph (3)—

(a) all the rights, powers, duties and liabilities of the body from which the officer is transferred, under or in connection with its contract of employment with an officer transferred under paragraph (2), shall by virtue of this paragraph be transferred to the NPSA; and

(b) anything done before the date of the transfer by or in relation to the body from which that officer is so transferred, in respect of the officer or his contract of employment, shall be deemed to have been done by or in relation to the NPSA.

(5) Paragraphs (2) to (4) do not transfer an officer's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if that officer has objected to the transfer to the NPSA and has informed the NCAA of that objection by 31st March 2005.

(6) Where an officer has objected as mentioned in paragraph (5), his contract of employment with the NCAA shall be terminated immediately before the date on which the transfer would occur, but he shall not be treated, for any purpose, as having been dismissed from the NCAA.

(7) This article is without prejudice to any right of an officer 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 that, under this article, the identity of his employer changes unless the officer shows that, in all the circumstances, the change is a significant change and is to his detriment.