
WELSH STATUTORY INSTRUMENTS

2005 No. 3226

The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005

Transfer of functions, property, rights and liabilities of the Agency to the Assembly

2.—(1) On the transfer date the functions of the Agency are transferred to the Assembly in accordance with the provisions of Schedules 1 and 2 which amend the enactments relating to the Agency for the purpose of—

- (a) transferring its functions to the Assembly, and
- (b) making provision consequential on or incidental or supplementary to the transfer.

(2) On the transfer date there are transferred to and vested in the Assembly by virtue of this paragraph all property, rights and liabilities to which the Agency was entitled or subject immediately before that date.

(3) The rights and liabilities referred to in paragraph (2) above include those arising under any contract of employment made between a relevant employee and the Agency.

(4) The Transfer of Undertakings (Protection of Employment) Regulations 1981⁽¹⁾ apply to the transfer of the functions of the Agency to the Assembly whether or not apart from this provision, the discharge of these functions would be treated as an undertaking in the nature of a commercial venture for the purposes of those Regulations.

(5) Notwithstanding anything in any other part of this Order or in the Transfer of Undertakings (Protection of Employment) Regulations 1981, where the effect of this article is that a person who is an alien becomes a member of the Assembly's staff, section 34(2) of the Government of Wales Act 1998 does not apply to the contract of employment of that person before the transfer date.

(6) A certificate issued by the Assembly that any property has been transferred by paragraph (2) is to be conclusive evidence of the transfer.

(7) Paragraph (2) has effect in relation to the property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that paragraph.

(1) S.I.1981/1794 as amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19) by the Dock Work Act 1989 (c. 13) and by Statutory Instruments 1987/442, 1995/2587, 1998/1658, 1999/1925, 1999/2402 and 1999/2587.