1973. No. 96 **[C]**

LOCAL GOVERNMENT

Transfer of Belfast Corporation Transport Functions

ORDER, DATED 28TH MARCH 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTIONS 133(1), 134 AND 135 OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972.

The Ministry of Development on behalf of the Secretary of State and in exercise of the powers conferred on it by sections 133(1), 134 and 135 of the Local Government Act (Northern Ireland) 1972(a) and of every other power enabling it in that behalf hereby makes the following Order:—

Title and commencement

1. This Order may be cited as the Local Government (Transfer of Belfast Corporation Transport Functions) Order (Northern Ireland) 1973 and shall come into operation on the 2nd April 1973.

Interpretation

2. In this Order—

"Belfast Corporation" means the Lord Mayor, Aldermen and Citizens of the City of Belfast, acting by the Council of the City;

"the Holding Company" means the Northern Ireland Transport Holding Company established under the Transport Act (Northern Ireland) 1967(b);

"the transfer date" means the 2nd April 1973;

"liabilities" includes liabilities which fall to accrue due on or after 2nd April 1973.

Transfer of functions, etc.

3. The functions exercisable immediately before the transfer date by the Belfast Corporation or by an officer of the Belfast Corporation under or for the purposes of the transferred provisions relating to the transport undertaking of the Corporation shall be and are hereby transferred on that date to the Holding Company.

4.—(1) All assets held or enjoyed by the Belfast Corporation and all liabilities to which the Belfast Corporation is subject immediately before the transfer date for the purposes of the functions transferred by this Order shall be and are hereby transferred on the transfer date to the Holding Company.

(2) The Holding Company shall pay to the Belfast Corporation, either annually or at such shorter intervals as may be agreed, such sums as are properly payable to the consolidated loans fund, so far as they relate to any function transferred, for the purposes of repaying money borrowed, or defraying expenses incurred, for such purposes of the fund as are so mentioned.

(a) 1972. c. 9 (N.I.). (b) 1967. c. 37 (N.I.).

Transitional provisions

5.—(1) In the construction and for the purposes of any judgement, decree, order, award, deed, contract, bond, agreement, regulation, rule, bye-law, certificate or other document made before 2nd April 1973 any reference to or which is to be construed as a reference to the Belfast Corporation shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the Holding Company.

(2) The transfer shall not affect any order, regulation, rule, direction, instruction, approval, requirement or authorisation made or given or other thing done by the Belfast Corporation before 2nd April 1973, but any such matter shall so far as it relates to functions transferred by virtue of this Order and if in force immediately before that date continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the Holding Company.

(3) Anything commenced before 2nd April 1973 by or under the authority of the Belfast Corporation may so far as it relates to any function transferred be carried on or completed by or under the authority of the Holding Company.

(4) Any investigation, legal proceedings or remedy under any transferred provision in respect of any rights or liabilities transferred to the Holding Company may be instituted, continued or enforced by or against the Holding Company under the powers and provisions applicable thereto immediately before 2nd April 1973.

Transfer of officers

6.—(1) Any officer of the Belfast Corporation who immediately before the transfer date is wholly or mainly employed in the discharge of functions transferred by virtue of this Order shall be and is hereby transferred as from that date to the employment of the Holding Company.

(2) Nothing in paragraph (1) shall apply to any person as regards employment which otherwise than by virtue of this Order is to be terminated on 1st April 1973.

Determination of questions as to manner of employment

7.—(1) Any question in relation to an officer as to whether he is or was so employed wholly or mainly in the discharge of functions transferred shall be reported by the Holding Company or by such officer to the Ministry of Health and Social Services and if not otherwise disposed of that Ministry shall refer it for determination by a tribunal appointed for the purpose. Such report may be made within 28 days following the date on which the officer is informed of his treatment under Article 6 as provided in paragraph (2).

(2) The Belfast Corporation shall ensure that each officer is informed as to—

(*a*) the treatment of the officer under Article 6; and

(*b*) the person and address to whom any question should be reported.

Protection of officers transferred

8.—(1) Every officer transferred by or under Article 6 to the employment of the Holding Company shall, for as long as he continues in that employment by virtue of the transfer and until he is served with a statement in writing of his new terms and conditions of employment, enjoy terms and conditions of employment (including conditions as to superannuation benefits) not less favourable than those he enjoyed immediately before 17th November 1971. The said new terms and conditions shall be such that—

(*a*) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the transfer date, the scale of his remuneration; and

(*b*) the other terms and conditions of his employment;

are, taken as a whole, not less favourable than he enjoyed immediately before 17th November 1971.

(2) A statement of new terms and conditions shall not be served in the case of any officer in respect of whom a question has been referred under Article 7 until the decision on such question has been notified.

(3) A written statement given in accordance with section 4 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(c) shall not be regarded as a statement of new terms and conditions of employment for the purposes of this Article unless the statement so indicates.

Determination of questions

9.—(1) Any question whether assets or liabilities are held, enjoyed or incurred before the transfer date by the Belfast Corporation in connection with the functions transferred to the Holding Company under Article 3 shall be determined by the Ministry.

(2) Any question whether the duties of a transferred officer are reasonably comparable or whether terms and conditions taken as a whole are less favourable shall be reported by the Holding Company or by such officer to the Ministry of Health and Social Services, and if a dispute so reported is not otherwise disposed of that Ministry shall refer it for determination by a tribunal appointed for the purpose. The statement of new terms and conditions of employment shall contain information that any question shall be so determined and as to the person and address to whom any question should be reported.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 28th day of March 1973.

(L.S.)

John F. Irvine,
Deputy Secretary.

EXPLANATORY NOTE

(*This note is not part of the Order, but is intended to indicate its general purport.*)

This Order, made by the Ministry of Development under the Local Government Act (Northern Ireland) 1972, provides for the transfer of the functions, staff, assets and liabilities of the Belfast Corporation Transport Department to the Northern Ireland Transport Holding Company on 2nd April 1973.

(c) 1965. c. 19 (N.I.).