WELSH STATUTORY INSTRUMENTS

2012 No. 752 (W.102)

WELSH LANGUAGE, WALES

The Welsh Language Board (Transfer of Staff, Property, Rights and Liabilities) Order 2012

Made - - - -	*7 March 2012*
Laid before the National Assembly for Wales - -	*9 March 2012*
Coming into force - -	*1 April 2012*

The Welsh Ministers, in exercise of the powers conferred by sections 146 and 150(5) of, and paragraphs 1 and 2 of Schedule 12 to, the Welsh Language (Wales) Measure 2011(**1**), make the following Order:

Title and commencement

1.—(1) The title of this Order is the Welsh Language Board (Transfer of Staff, Property, Rights and Liabilities) Order 2012.

(2) This Order comes into force on the 1 April 2012.

Interpretation

2.—(1) In this Order, "transfer date" ("*dyddiad trosglwyddo*") means 1 April 2012 and references in this Order to—

(a) "persons A" ("*personau A*") are to persons employed by the Board immediately before the transfer date who have been offered and have accepted before that date employment with the Welsh Assembly Government;

(b) "persons B" ("*personau B*") are to persons employed by the Board immediately before the transfer date who have been offered and have accepted before that date employment with the Commissioner;

(c) "persons C" ("*personau C*") are to persons who are or have been employed by the Board at any time before the transfer date and whose employment does not transfer to the Commissioner or Welsh Assembly Government as a result of this Order;

(d) "records" ("*cofnodion*") include written records and records conveying information by any other means.

(**1**) 2011 nawm 1.

Transfer of staff

3.—(1) On the transfer date persons A transfer to the employment of the Welsh Assembly Government.

(2) On the transfer date persons B transfer to the employment of the Commissioner.

General transfer of the Board's property, rights and liabilities

4.—(1) On the transfer date the property, rights and liabilities specified in the Schedule to which the Board was entitled or subject immediately before that date transfer to the Welsh Ministers.

(2) Subject to article 5 all other property, rights and liabilities to which the Board was entitled or subject immediately before the transfer date transfer on that date to the Commissioner.

Other rights and liabilities being transferred etc.

5.—(1) On the transfer date the rights and liabilities arising under or in connection with the employment contracts of persons C to which the Board was entitled or subject immediately before that date transfer to the Welsh Ministers.

(2) Anything done before the transfer date by or in relation to the Board in respect of any person C or that person's contract of employment is to be treated from that date as having been done by or in relation to the Welsh Ministers.

Access to records

6.—(1) Where records owned by the Board immediately before the transfer date have transferred to the Commissioner as a result of this Order, the Welsh Ministers may, after providing reasonable notice—

(a) inspect those records; and

(b) take, or be supplied with, copies of those records or any part of them.

(2) The Welsh Ministers' power under paragraph (1) does not apply to records relating to the employment of persons B.

(3) Where records owned by the Board immediately before the transfer date have transferred to the Welsh Ministers as a result of this Order, the Commissioner may, after providing reasonable notice—

(a) inspect those records; and

(b) take, or be supplied with, copies of those records or any part of them.

(4) The Commissioner's power under paragraph (3) does not apply to records that relate to the employment of persons A or C.

(5) The powers conferred by this article must be exercised during normal office hours.

General provision

7. The transfers of property, rights and liabilities given effect by this Order are not affected by any provision (of whatever nature) which would otherwise prevent or restrict those transfers.

Leighton Andrews
Minister for Education and Skills, one of the Welsh Ministers

7 March 2012