STATUTORY RULES OF NORTHERN IRELAND

2006 No. 527

LAGANSIDE CORPORATION

The Laganside Corporation Dissolution Order (Northern Ireland) 2006

Made - - - - 18th December 2006
To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000
Coming into operation in accordance with Article 1(2) to (4)

The Department for Social Development (**1**), makes the following Order in exercise of the powers conferred by Article 9 of the Laganside Development (Northern Ireland) Order 1989(**2**) and now vested in it(**3**):

Citation and Commencement

1.—(1) This Order may be cited as the Laganside Corporation Dissolution Order (Northern Ireland) 2006.

(2) Subject to paragraphs (3) and (4) this Order shall come into operation on 1st April 2007.

(3) The following provisions shall come into operation on 1st July 2007 namely—

(a) Article 3(1) so far as it relates to the functions of the Corporation under paragraphs 16 to 19 of Schedule 1 to the 1989 Order;

(b) Article 4; and

(c) Article 5(2) so far as it repeals the following provisions of the 1989 Order namely—

(i) the definition of "the Corporation" in Article 2(2);

(ii) Articles 4, 6 and 8; and

(iii) Schedule 1(other than paragraphs 16(4) and (5) and 19(2)).

(4) Article 5(2) so far as it repeals paragraphs 16(4) and (5) and 19(2) of Schedule 1 to the 1989 Order shall come into operation on 1st July 2008.

(**1**) S.I. 1999/283 (N.I. 1)
(**2**) S.I. 1989/490 (N.I. 2)
(**3**) S.R. 1999/481 Article 6(e) and Schedule 4 Part V

Interpretation

2. In this Order—

"the Department" means the Department for Social Development;

"the 1989 Order" means the Laganside Development (Northern Ireland) Order 1989.

Transfer of functions etc., to the Department

3.—(1) The functions of the Corporation shall be transferred to the Department.

(2) Schedule 1 (which makes provision for the transfer of the assets and liabilities of the Corporation to the Department and for other matters) shall have effect.

Dissolution of the Corporation

4. The Corporation shall be dissolved.

Amendments and repeals

5.—(1) The provisions of the 1989 Order set out in Part 1 of Schedule 2 have effect subject to the amendments specified in that Part.

(2) The provisions of the 1989 Order set out in Part 2 of Schedule 2 are repealed to the extent specified in that Part.

Sealed with the Official Seal of the Department for Social Development on 18th December 2006

L.S.

Jackie Johnston
A senior officer of the Department for Social Development

SCHEDULE 1

Transfer of Assets and Liabilities, etc.

Assets and liabilities

1.—(1) All assets and liabilities to which the Corporation is entitled or subject immediately before 1st April 2007 shall be transferred to, and by virtue of this sub-paragraph vest in, the Department.

(2) Sub-paragraph (1)—

(a) has effect in relation to assets and liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the assets and liabilities otherwise than by that sub-paragraph; but

(b) does not apply in relation to contracts of employment.

(3) A certificate issued by the Department that any assets or liabilities have been transferred to the Department by sub-paragraph (1) shall be conclusive evidence of the transfer.

River Warden's contract of employment

2.—(1) The contract of employment between the River Warden and the Corporation shall have effect from 1st April 2007 as if originally entered into between the River Warden and the Department.

(2) Without prejudice to sub-paragraph (1)—

(a) all the rights, powers, duties and liabilities of the Corporation under or in connection with the River Warden's contract of employment are by virtue of this paragraph transferred to the Department; and

(b) anything done before 1st April 2007 by or in relation to the Corporation in respect of that contract or the River Warden is to be treated from that date as having been done by or in relation to the Department.

(3) If the River Warden informs the Corporation before 1st April 2007 that he objects to the transfer of his contract of employment under this paragraph—

(a) sub-paragraphs (1) and (2) do not apply in relation to him; and

(b) his contract of employment is terminated immediately before that date.

(4) The River Warden is not to be treated for the purposes of the Employment Rights (Northern Ireland) Order 1996 (NI 16) as having been dismissed by the Corporation by reason of—

(a) his transfer under this paragraph; or

(b) the termination of his contract of employment under sub-paragraph (3).

(5) This paragraph does not prejudice the right of the River Warden to terminate his contract of employment if a substantial change is made to his detriment in his working conditions; but no such right arises by reason only that, by virtue of this paragraph, the identity of his employer changes unless the River Warden shows that in all the circumstances the change is a significant change and is to his detriment.

(6) In this paragraph "the River Warden" means the person who is employed by the Corporation under a contract of employment for the position of river warden immediately before 1st April 2007.

Transitional and supplementary provisions

3. In the construction and for the purposes of any statutory provision (other than the 1989 Order) or other document passed or made before 1st April 2007, any reference to, or which is to be construed

as a reference to, the Corporation shall, so far as may be necessary for the purposes of this Order, be construed as a reference to the Department.

4. Nothing in this Order affects the validity of anything done by, or in relation to, the Corporation before 1st April 2007.

5. Anything which before 1st April 2007 was done by or in relation to the Corporation shall, if in effect immediately before that date, continue to have effect to the same extent and subject to the same provisions as if it had been done by, or in relation to, the Department.

6. Anything (including legal proceedings) in the process of being done by or in relation to the Corporation immediately before 1st April 2007 may be continued by or in relation to the Department.

7. References in paragraphs 4 to 6 to 1st April 2007 shall be construed as references to 1st July 2007 in relation to anything done by, or in relation to, the Corporation in connection with its functions under paragraphs 16 to 19 of Schedule 1 to the 1989 Order on or after 1st April 2007.

SCHEDULE 2

PART 1

Amendments to the 1989 Order

1.—(1) In the following provisions, for the word "Corporation" wherever it occurs substitute the word "Department"—

(a) Article 10 (3), (4) and (6);

(b) Article 12(2);

(c) Article 13;

(d) Article 14(1) and (2);

(e) Article 17(1), (2) and (3);

(f) Article 20(1), (4) and (5);

(g) Article 21(1), (2), (8) and (9);

(h) Article 22(1);

(i) Article 23(1) and (2);

(j) Article 25(3);

(k) paragraph 1(1) of Schedule 2;

(l) paragraph 2(1) of Schedule 2;

(m) paragraph 3(1) of Schedule 2;

(n) paragraph 4(1) and (2) of Schedule 2;

(o) paragraph 5 of Schedule 2.

(2) In Article 2(2) for the definition of "the Department" substitute the following definition—

""the Department" means the Department for Social Development;".

(3) In Article 10 (*object and general powers of the Corporation*), for paragraph (1) substitute the following paragraph—