STATUTORY RULES OF NORTHERN IRELAND

2003 No. 137

CHILDREN AND YOUNG PERSONS

The Juvenile Justice Board (Transfer of Functions) Order (Northern Ireland) 2003

Made - - - -	*5th March 2003*
To be laid before Parliament	
Coming into operation	*1st April 2003*

In exercise of the powers conferred on me by Article 56(6) and (7) of the Criminal Justice (Children) (Northern Ireland) Order 1998(**1**) I hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Juvenile Justice Board (Transfer of Functions) Order (Northern Ireland) 2003, and shall come into operation on 1st April 2003.

Interpretation

2. In this Order –

"the 1998 Order" means the Criminal Justice (Children) (Northern Ireland) Order 1998;

"the 1956 Act" means the Malone and Whiteabbey Training Schools Act (Northern Ireland) 1956(**2**);

"the Board" means the Juvenile Justice Board established in pursuance of Article 56(1) of the 1998 Order;

"the transfer date" means 1st April 2003.

Transfer of Functions

3. The functions exercisable by the Board immediately before the transfer date under –

(a) any provision of the 1998 Order;

(b) any provision of the 1956 Act; or

(c) any other statutory provision;

(**1**) S.I.1998/1504 (N.I. 9)
(**2**) 1956 c. 4 (N.I.)

shall as from that date be exercisable by the Secretary of State.

Transfer of assets and liabilities

4.—(1) All property, rights and liabilities to which the Board is entitled or subject immediately before the transfer date shall on that date transfer to, and by virtue of this Article vest in, the Secretary of State.

(2) This Article does not apply to rights and liabilities under a contract of employment (which are dealt with in Article 5).

(3) A certificate by the Secretary of State that any property, right or liability has vested in the Secretary of State under this Article shall be conclusive evidence of that fact for all purposes.

Transfer of staff

5.—(1) Subject to paragraphs (5) and (6), this Article applies to any person who immediately before the transfer date is employed by the Board.

(2) A person to whom this Article applies shall from the transfer date be in the employment of the civil service of Northern Ireland.

(3) Without prejudice to paragraph (2) –

(a) all the Board's rights, powers, duties and liabilities under or in connection with a contract with a person to whom this Article applies shall by virtue of this Article be transferred to the civil service of Northern Ireland on the transfer date; and

(b) anything done before that date by or in relation to the Board in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the civil service of Northern Ireland.

(4) Paragraphs (2) and (3) are without prejudice to any right of an employee 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 of the change in employer effected by this Article.

(5) This Article does not apply to a person if his contract of employment terminates on the day immediately before the transfer date.

(6) Where a person –

(a) has, prior to the transfer date, entered into a contract of employment with the Board which is to come into effect on or after that date; and

(b) would, if the contract had come into effect before that date, have been a person to whom the Article applies.

he shall be treated as if he were a person for whom this Article applies.

References to, and acts, etc. done by or in relation to the Board

6.—(1) Any reference in any statutory provision or document passed or made before the transfer date to the Board shall, in relation to any time after the transfer date, only so far as may be necessary for the purpose of the transfer of functions by this Order be construed as a reference to the Secretary of State.

(2) Nothing in this Order affects the validity of any document made or issued or any other act done by, or in relation to, the Board before the transfer date; and any such document or act shall, if in force immediately before that date, continue in force to the same extent and subject to the same provisions as if it had been duly made, issued or done by, or in relation to, the Secretary of State.