

a money advice and budgeting service, and that contract, agreement or arrangement is in force immediately before the day on which this section comes into operation, the Minister may, as he or she sees fit, under his or her seal, transfer or assign his or her rights or liabilities arising under such contract, agreement or arrangement to the Board.

(2) Every right and liability transferred by subsection (1) to the Board may, on or after the day on which this section comes into operation, be sued on, recovered or enforced by or against the Board in its own name.”.

## PART 5

### DISSOLUTION OF COMBAT POVERTY AGENCY

Definition.

**30.**—In this Part “Agency” means the Combat Poverty Agency.

Dissolution of Agency.

**31.**—The Agency shall be dissolved on the commencement of this Part.

Transfer of rights and liabilities.

**32.**—(1) All rights and liabilities of the Agency arising by virtue of any contract or commitment (expressed or implied) entered into by the Agency before the commencement of this Part shall, on such commencement, stand transferred to the Minister.

(2) Every right and liability transferred by *subsection (1)* may, on and after the transfer, be sued on, recovered or enforced by or against the Minister in his or her name and it shall not be necessary for the Minister to give notice to the person whose right or liability is transferred by that subsection of such transfer.

Transfer of certain property.

**33.**—(1) All land which, immediately before the commencement of this Part, was vested in the Agency and all rights, powers and privileges relating to or connected with that land are, on such commencement, without any conveyance or assignment, transferred to and vested in the Minister.

(2) All property other than land, including choses-in-action, which immediately before the commencement of this Part was the property of the Agency shall, on such commencement, stand transferred to the Minister without any assignment.

(3) Every chose-in-action transferred by *subsection (2)* may, on and after the commencement of this Part, be sued upon, recovered or enforced by the Minister in his or her name and it shall not be necessary for the Minister to give notice to any person bound by the chose-in-action of the transfer effected by that subsection.

(4) Any moneys, stocks, shares and securities transferred to the Minister by *subsection (2)* which, immediately before the commencement of this Part, are in the name of the Agency shall, upon the request of the Minister, be transferred into his or her name.

**34.—**(1) As soon as may be after the commencement of this Part, but not later than one year thereafter, the Minister shall cause to be prepared final accounts of the Agency, in respect of the accounting year or part of an accounting year of the Agency ending immediately before the commencement of this Part. Final accounts.

(2) Accounts prepared pursuant to this section shall be submitted as soon as may be by the Minister to the Comptroller and Auditor General for audit, and, immediately after the audit, a copy of the accounts as audited and a copy of the Comptroller and Auditor General's report on the accounts shall be presented to the Minister who shall cause copies of those audited accounts and that report to be laid before each House of the Oireachtas.

**35.—**Where, immediately before the commencement of this Part, any legal proceedings to which the Agency is a party are pending, the name of the Minister shall be substituted in the proceedings for the name of the Agency and the proceedings shall not abate by reason of such substitution. Pending legal proceedings.

**36.—**(1) (a) Subject to *paragraph (b)*, every person who, immediately before the commencement of this Part is an employee of the Agency shall, on such commencement, hold an unestablished position in the Civil Service. Transfer of employees.

(b) Every person who, immediately before the commencement of this Part, is a fixed-term employee of the Agency shall, on such commencement, hold an unestablished position as a fixed-term employee of the Minister for the duration of his or her contract of employment.

(2) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person referred to in *subsection (1)* shall not, on the commencement of this Part, be brought to less beneficial conditions of remuneration than the conditions of remuneration to which he or she was subject immediately before the commencement of this Part.

(3) The previous service of a person referred to in *subsection (1)* shall be reckonable for the purposes of, but subject to any exceptions or exclusions in:

- (a) the Redundancy Payments Acts 1967 to 2007;
- (b) the Protection of Employees (Part-Time Work) Act 2001;
- (c) the Protection of Employees (Fixed-Term Work) Act 2003;
- (d) the Organisation of Working Time Act 1997;
- (e) the Terms of Employment (Information) Acts 1994 and 2001;
- (f) the Minimum Notice and Terms of Employment Acts 1973 to 2005;
- (g) the Unfair Dismissals Acts 1977 to 2007;
- (h) the Maternity Protection Acts 1994 and 2004;

- (i) the Parental Leave Acts 1998 and 2006;
- (j) the Adoptive Leave Acts 1995 and 2005;
- (k) the Carer's Leave Act 2001.

(4) Any superannuation benefits awarded to or in respect of a person referred to in *subsection (1)* and the terms relating to those benefits shall be no less favourable than those applicable to or in respect of that person immediately before the commencement of this Part.

(5) The pension payments and other superannuation liabilities of the Agency in respect of its former employees become on the commencement of this Part the liabilities of the Minister for Finance.

(6) A person referred to in *subsection (1)* shall undertake such duties as the Minister may from time to time direct.

(7) A person referred to in *subsection (1)*, shall be subject to and employed in accordance with the Civil Service Regulation Acts 1956 to 2005 and the Ethics in Public Office Acts 1995 to 2001.

(8) In this section—

“Act of 2004” means the Public Service Management (Recruitment and Appointments) Act 2004;

“Civil Service” has the meaning assigned to it by the Act of 2004;

“contract of employment” has the meaning assigned to it by the Protection of Employees (Fixed-Term Work) Act 2003;

“fixed-term employee” has the meaning assigned to it by the Protection of Employees (Fixed-Term Work) Act 2003;

“recognised trade union or staff association” means a trade union or staff association recognised by the Minister for the purposes of negotiations which are concerned with the remuneration or conditions of employment, or the working conditions of employees;

“unestablished position” has the meaning assigned to it by the Act of 2004.

Expenses.

**37.**—The expenses incurred by the Minister in the administration of this Part shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Repeal.

**38.**—The Combat Poverty Agency Act 1986 is repealed.