SCHEDULES

SCHEDULE 4

Section 14.

TRANSITIONAL ARRANGEMENTS ON THE DISSOLUTION OF EXISTING BODIES

Preliminary

1 In this Schedule—

"the appointed day" means the date appointed for the purposes of section 14(1) of this Act;

"the Commission" means the Countryside Commission for Scotland;

"the Council" means the Nature Conservancy Council for Scotland;

"relevant" in relation to anything dSchedule 4 Paraone by or in relation to the Commission or, as the case may be, the Council before the appointed day, means anything which, if it were to be done on or after the appointed day, would be done by or in relation to SNH.

Commencement Information

I1 Sch. 4 para. 1 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

Preparation of accounts and reports

2 (1) The requirement imposed on—

(a) the Council by paragraphs 20 and 21 of Schedule 6 to the [M1]Environmental Protection Act 1990; and

(b) the Commission by section 71 of the [M2]Countryside (Scotland) Act 1967,

to prepare accounts and a report shall become, with effect from the appointed day, a requirement imposed on SNH.

(2) Where the appointed day is a date other than 31st March, the requirement—

(a) as regards the accounts and report of the Council; and

(b) as regards the accounts of the Commission,

shall relate to the preparation of accounts and a report or, as the case may be, accounts for the period beginning with 1st April immediately preceding the appointed day and ending on that day, and for the reference in the said paragraph 21 and section 71 to 30th November there may be substituted such other date as the Secretary of State may, in the order appointing the appointed day, determine.

(3) Where the appointed day is a date other than 31st December, the requirement as regards the report of the Commission shall relate to the preparation of the report for the period beginning with 1st January immediately preceding the appointed day and ending on that day.

Commencement Information

I2 Sch. 4 para. 2 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

Marginal Citations

M1 1990 c. 43.

M2 1967 c. 86.

Offers of employment

3 (1) SNH shall, not later than such date as the Secretary of State may determine, make an offer of employment by it to each person employed immediately before that date by—

(a) the Council; and

(b) the Commission,

and any question as to the persons to whom an offer of employment is to be made under this paragraph shall be determined by the Secretary of State.

(2) The terms of the offer shall be such that they are, taken as a whole, not less favourable to the person to whom it is made than the terms on which he is employed on the date on which the offer is made.

(3) An offer made in pursuance of this paragraph shall not be revocable during the period of three months commencing with the date on which it is made.

(4) Sub-paragraph (1) above does not apply to any person whose contract of employment with either the Council or, as the case may be, the Commission terminates on the day immediately preceding the appointed day.

Commencement Information

I3 Sch. 4 para. 3 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

Continuity of employment, redundancy etc.

4 Where a person becomes an employee of SNH in consequence of an offer made under paragraph 3(1) above, then, for the purposes of **[**[F1]the Employment Rights Act 1996**]**, his period of employment with the Council or, as the case may be, the Commission shall count as a period of employment by SNH, and the change of employment shall not break the continuity of the period of employment.

Textual Amendments

F1 Sch. 4 para. 4 repealed (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 48**

Commencement Information

I4 Sch. 4 para. 4 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

5 Where an offer is made to a person in pursuance of paragraph 3(1) above, none of the redundancy procedures applicable to such a person shall apply to him; and

where that person ceases to be employed by the Council or, as the case may be, the Commission—

(a) on becoming employed by SNH; or

(b) having unreasonably refused an offer,

[F2]. . . he shall not be treated for the purposes of any superannuation or other pension scheme as having been retired on redundancy.

Textual Amendments

F2 Words in Sch. 4 para. 5 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I**

Commencement Information

I5 Sch. 4 para. 5 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

Disputes

6 (1) Any dispute as to whether an offer under sub-paragraph (1) of paragraph 3 above complies with sub-paragraph (2) of that paragraph shall be referred to and determined by an **[**[F3]employment tribunal**]**.

(2) An **[**[F3]employment tribunal**]** shall not consider a complaint referred to it under sub-paragraph (1) above unless the complaint is presented to the tribunal before the end of the period of three months beginning with the date of the offer or, where the tribunal is satisfied that it was not reasonably practicable for that to be done, within such further period as the tribunal considers reasonable.

(3) Subject to sub-paragraph (4) below, there shall be no appeal from the decision of an **[**[F3]employment tribunal**]** under this paragraph.

(4) An appeal to the Employment Appeal Tribunal may be made only on a point of law arising from a decision of, or in proceedings before, an **[**[F3]employment tribunal**]** under this paragraph.

Textual Amendments

F3 Words in Sch. 4 para. 6 substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

Commencement Information

I6 Sch. 4 para. 6 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

Continuity of exercise of functions

7 (1) Any relevant thing done by or in relation to the Council or, as the case may be, the Commission before the appointed day shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to SNH.

(2) Any relevant thing which, immediately before the appointed day, is in the process of being done by or in relation to the Council or, as the case may be, the Commission may be continued by or in relation to SNH.

Commencement Information

I7 Sch. 4 para. 7 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

Construction of references to the Council and the Commission

8 (1) This paragraph applies to any agreement, any instrument and any other document, subsisting immediately before the appointed day which refers (in whatever terms) to the Council or, as the case may be, the Commission.

(2) Any agreement, instrument or other document to which this paragraph applies shall have effect on and after the appointed day with the substitution—

(a) for any reference to the Council or, as the case may be, the Commission of a reference to SNH;

(b) for any reference in general terms to members of or to persons employed by or agents of the Council or, as the case may be, the Commission of a reference to members of or persons employed by or agents of SNH; and

(c) for any reference to a member or officer of the Council or, as the case may be, the Commission of a reference to such person as SNH may appoint or, in default of appointment, to the member or officer of SNH who corresponds as nearly as may be to the member or officer in question.

Commencement Information

I8 Sch. 4 para. 8 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

9 The Secretary of State may, by order, make such consequential modifications of any provision of any local or private Act passed, or subordinate legislation made, before the appointed day which refers to the Council or, as the case may be, the Commission as appear to him to be necessary or expedient.

Commencement Information

I9 Sch. 4 para. 9 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

Supplementary

10 (1) The Secretary of State may, in relation to any particular functions of the Council or the Commission, by order exclude or modify or supplement any provision of this Schedule or make such other transitional provision as he may think necessary or expedient.

(2) Nothing in this paragraph or in paragraph 8 or 9 above shall apply in relation to contracts of employment made by the Council or the Commission.

Commencement Information

I10 Sch. 4 para. 10 wholly in force at 27.11.1991 see s. 28(2) and S.I. 1991/2633, art. 3, **Sch.**

Changes to legislation:
There are currently no known outstanding effects for the Natural Heritage (Scotland) Act 1991, SCHEDULE 4.