

## SCHEDULES

### SCHEDULE 5

Section 21.

#### TRANSITIONAL PROVISIONS, ETC.

#### PART I

##### TRANSFER OF PROPERTY AND STAFF ETC. FROM EXISTING BODIES

- 1 In this Schedule—
- " the new statutory bodies " means the Central Council and the four National Boards ;
- " the replaced statutory bodies " means the bodies mentioned in section 21(1) of this Act.
- 2 (1) The Secretary of State may by order provide for the transfer on the day specified by the order—
- (a) to the employment of one or other of the new statutory bodies of any persons who immediately before that day were employed by one of the replaced statutory bodies;
- (b) to any one or other of the new statutory bodies of such of the property, rights and liabilities, which immediately before that day were property, rights and liabilities of one or other of the replaced statutory bodies, as may be specified by the order.
- (2) The reference in sub-paragraph (1)(b) above to rights and liabilities does not include rights and liabilities under any contract of employment.
- (3) An order under sub-paragraph (1)(a) above shall, in the case of any persons transferred by the order, provide for the scales of remuneration applicable to them in the employment of the new statutory body and, taken as a whole, the other terms and conditions of that employment to be in general no less favourable than the scales of remuneration, terms and conditions enjoyed by them immediately before the transfer.
- (4) Any such order shall so provide and have effect that, for the purposes of any enactment specified in it, the employments from which and to which persons are transferred by the order are to be treated as one continuous employment.
- 3 Orders under paragraph 2 shall provide for persons suffering loss of employment in consequence of the dissolution of any of the replaced statutory bodies (whether or not they are entitled to payments in respect of that loss of employment under legislation relating to redundancy) to be entitled, in such circumstances as the order may specify, to compensation payable by the Central Council on scales laid down by the Secretary of State with the approval of the Minister for the Civil Service.
- 4 Any dispute arising as to whether or not—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the terms of employment with one of the new statutory bodies are, or would be, less favourable to a person than those on which he was employed at the time when the employment was offered to him ; or
- (b) whether or not a person's refusal of employment with one of those bodies was reasonable,

and any dispute concerning the compensation referred to in paragraph 3, shall be referred to and determined by an industrial tribunal.

5 Any property, rights and liabilities (other than rights and liabilities under a contract of employment) which are vested in or incumbent on any of the replaced statutory bodies immediately before the day on which the replaced statutory bodies are dissolved and are not transferred on that day by virtue of an order under paragraph 2(1)(b) above shall by virtue of this sub-paragraph be transferred to, and vest in or become incumbent on, the Central Council on that day.

6 (1) Where a person formerly employed by any of the replaced statutory bodies claims to have a right of action against that body arising from his employment by them but is unable to pursue his claim because of the dissolution of the body, he may bring his claim—

- (a) if he is transferred to the employment of one or other of the new statutory bodies, against that body ; or
- (b) in any other case, against the Central Council.

(2) The body against whom a claim is brought by virtue of sub-paragraph (1) shall be liable in the same manner and to the same extent as the replaced statutory body would have been liable if it had not been dissolved.

## PART II

### CONTINUATION OF DISCIPLINARY PROCEEDINGS

7 Where on the appointed day any disciplinary proceedings—

- (a) are pending before any of the replaced statutory bodies or before any committee of theirs ; or
- (b) have begun but the body or committee seized of them has not communicated its decision to the person who is the subject of the proceedings,

that body or committee shall refer the proceedings to the Central Council and the Council shall dispose of the matter in whatever way it thinks just

8 An appeal by a person aggrieved by a decision of any of the replaced statutory bodies or any committee of theirs to remove or suspend him from one of the registers, rolls or lists maintained under any of the enactments repealed by this Act which is pending or proceeding before any court on the appointed day may be continued and disposed of as if the provision of the repealed enactments under which the appeal was brought had remained in force.

9 In this Part of this Schedule " the appointed day " means the day appointed by the Secretary of State by order for the purposes of this Part.