

SCHEDULE

THE SCOTTISH BORDERS TOURIST BOARD SCHEME

PART IV:

REVOCATION AND TRANSITIONAL PROVISIONS

Revocation of existing schemes etc.

11.—(1) Any scheme made under section 90A of the Local Government (Scotland) Act 1973⁽¹⁾ by a district council whose area lies within the area of the Board shall be revoked with effect from 1st April 1996.

(2) Any area tourist organisation (whether a body corporate or not) formed by or for the purposes of any such scheme shall be wound up and dissolved with effect from that date.

Transfer of staff

12.—(1) The Board shall not later than 1st April 1996 make an offer of employment with the Board to each person employed by any area tourist organisation wound up and dissolved in accordance with paragraph 11(2).

(2) The terms of the offer shall be such that they are, taken as a whole, not less favourable to the person to whom the offer 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 3 months commencing with the date on which it is made.

(4) Where a person becomes an employee of the Board on acceptance of an offer made under this paragraph, then, for the purposes of the Employment Protection (Consolidation) Act 1978⁽²⁾, his period of employment with such area tourist organisation shall count as a period of employment by the Board, and the change of employment shall not break the continuity of the period of employment.

(5) Where an offer is made under this paragraph to any person, none of the agreed redundancy procedures applicable to employees of such area tourist organisation shall apply to him.

(6) Part VI of the Employment Protection (Consolidation) Act 1978 shall not apply to a person employed by such area tourist organisation who ceases to be so employed—

(a) on becoming a member of the staff of the Board on accepting an offer under this paragraph, or

(b) having unreasonably refused such an offer.

(7) Where a person to whom an offer under this paragraph has been made continues in employment in the organisation after having not unreasonably refused that offer he shall be treated for all purposes as if no offer under this paragraph had been made to him.

(8) Any dispute as to whether an offer purporting to be made under this paragraph complies with this paragraph shall be referred to and be determined by an industrial tribunal.

(9) An industrial tribunal shall not consider a complaint referred to it under sub-paragraph (8) unless the complaint is presented to the tribunal before the end of the period of 3 months beginning with the date of the offer of employment or within such further period as the tribunal considers

(1) 1973 c. 65. Section 90A was inserted by the Local Government and Planning (Scotland) Act 1982 (c. 43), section 11(2).

(2) 1978 c. 44.

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reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of 3 months.

(10) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from the decision of, or in proceedings before, an industrial tribunal under this paragraph.

(11) Except as mentioned in sub-paragraph (10), no appeal shall lie from the decision of an industrial tribunal under this paragraph.

Transfer of property, rights and liabilities

13. On 1st April 1996 all property, rights and liabilities of any area tourist organisation wound up and dissolved in accordance with paragraph 11(2) shall transfer to and vest in the Board.