

SCHEDULE 4

Article 36

TRANSFER OF STAFF

Interpretation

1. In this Schedule—

“contract of employment” means any agreement between an employee and his employer determining the terms and conditions of his employment;

“employee” means any individual who works for another person whether under a contract of service or apprenticeship or otherwise but does not include anyone who provides services under a contract for services; and

“list of staff” means a list marked with the name of Cotswold District Council followed by the words “List of Staff” which is signed by the Secretary of State, one copy of which is deposited with Cotswold District Council and one with the Board.

Transfer of staff

2.—(1) This paragraph applies to any person—

(a) who immediately before the operative day was employed by Cotswold District Council under a contract of employment; and

(b) whose name is set out in a list of staff.

(2) The contract of employment of a person to whom this paragraph applies shall not be terminated on the operative day but shall have effect as if originally made between that person and the Board.

(3) This paragraph is without prejudice to any provision of the Transfer of Undertakings (Protection of Employment) Regulations 1981(1).

(1) S.I.1981/1794, amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19) and S.I.1995/2587; there are other amending instruments but none is directly relevant to this Order.