

SCHEDULES

SCHEDULE 1

TRANSITIONAL PROVISION ON TERMINATION OF APPOINTMENTS

Employment contracts

5.—(1) This paragraph applies if rights and liabilities under a contract of employment are transferred by virtue of a scheme under this Schedule.

(2) The contract of employment—

(a) is not terminated by the transfer, and

(b) has effect from the relevant date as if made between the employee and the new appointee.

(3) The rights, powers, duties and liabilities of the existing appointee under or in connection with the contract are transferred to the new appointee on the relevant date.

(4) Anything done before the relevant date by or in relation to the existing appointee in respect of the contract or the employee is to be treated from that date as having been done by or in relation to the new appointee.

(5) But if an employee informs the existing appointee before the relevant date that he objects to the transfer of his contract of employment under the scheme—

(a) sub-paragraphs (2) to (4) do not apply in relation to his contract of employment; and

(b) his employment with the existing appointee is terminated immediately before the relevant date.

(6) A person is not to be treated as having been dismissed by the existing appointee by reason of—

(a) the transfer of his contract of employment under this paragraph; or

(b) the termination of his employment under sub-paragraph (5).

(7) This paragraph does not affect any right a person has to terminate his contract of employment if (apart from the change of employer) a substantial change is made to his detriment in his working conditions.