
Changes to legislation: There are currently no known outstanding effects for the National Heritage Act 1983, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 3

THE COMMISSION

Staff

- 5 (1) The Commission shall make, not later than such date as the Secretary of State may determine, an offer of employment by the Commission to each person employed in the civil service of the State whose name is notified to the Commission by the Secretary of State for the purposes of this paragraph.
- (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) In determining whether the terms of the offer are more or less favourable to that person than those enjoyed by him on the date of the offer no account shall be taken of the fact that employment with the Commission is not employment in the service of the Crown.
- (4) An offer made in pursuance of this paragraph shall not be revocable during the period of 3 months beginning with the date on which it is made.
- (5) Where a person becomes an employee of the Commission in consequence of this paragraph, then, for the purposes of [^{F1}the Employment Rights Act 1996], his period of employment in the civil service of the State shall count as a period of employment by the Commission and the change of employment shall not break the continuity of the period of employment.
- (6) Any dispute arising under this paragraph as to whether or not the terms of any employment offered by the Commission are, taken as a whole, less favourable than those applying to a person's employment in the civil service of the State shall be referred to and determined by an [^{F2}employment tribunal].
- (7) An [^{F2}employment tribunal] shall not consider a complaint whereby a dispute mentioned in sub-paragraph (6) is referred to it 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 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.
- (8) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in proceedings before, an [^{F2}employment tribunal] under this paragraph; and no appeal shall lie except to the Employment Appeal Tribunal from any decision of an [^{F2}employment tribunal] under this paragraph.

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Textual Amendments

- F1** Words in Sch. 3 para. 5(5) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 23(f)** (with ss. 191, 192, 193, 194, 195, 202)
- F2** Words in Sch. 3 para. 5 (6)(7)(8) 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**

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