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*Status: Point in time view as at 01/07/2002.*

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

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## SCHEDULES

### SCHEDULE 3

#### THE COMMISSION

##### *Staff*

- 4 (1) There shall be a chief officer of the Commission who shall be appointed by the Commission with the approval of the Secretary of State.
- (2) The chief officer shall be responsible to the Commission for the general exercise of the Commission's functions.
- (3) The Commission may appoint such other employees as the Commission think fit.
- (4) The Commission shall pay to their employees such remuneration and allowances as the Commission may determine.
- (5) The employees shall be appointed on such other terms and conditions as the Commission may determine.
- (6) The Commission may pay such pensions, allowances or gratuities as they may determine to or in respect of any of their employees, make such payments as they may determine towards the provision of pensions, allowances or gratuities to or in respect of any of their employees or provide and maintain such schemes as they may determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any of their employees.
- (7) The references in sub-paragraph (6) to pensions, allowances or gratuities to or in respect of any employees include references to pensions, allowances or gratuities by way of compensation to or in respect of employees who suffer loss of office or employment.
- (8) A determination under sub-paragraph (4), (5) or (6) is ineffective unless made with the approval of the Secretary of State given with the Treasury's consent.
- 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.

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- (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 [F1the 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 [F2employment tribunal].
- (7) An [F2employment 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 [F2employment tribunal] under this paragraph; and no appeal shall lie except to the Employment Appeal Tribunal from any decision of an [F2employment 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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