

Status: Point in time view as at 23/12/1997.

Changes to legislation: Environmental Protection Act 1990, Part III is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 10

TRANSFER SCHEMES AND STAFF OF EXISTING COUNCILS

PART III

EMPLOYMENT OF STAFF OF EXISTING BODIES

Proposals for staff of Nature Conservancy Council

- 10 Not later than such date or dates as the Secretary of State may determine, the Nature Conservancy Council shall prepare and submit to the Secretary of State for approval proposals that would secure that an offer is made by one of the new Councils to each person who will be entitled to receive an offer under section 137 of this Act.
- 11 (1) The Secretary of State may, after consultation with the new Councils—
- (a) approve the proposals submitted to him under paragraph 10 above or modify the proposals before approving them;
 - (b) if he decides not to approve the proposals or if the Nature Conservancy Council fail to submit the proposals by the due date, make his own proposals; and any proposals made by the Secretary of State shall be treated for all purposes as if they were made by the Council and approved by him.
- (2) It shall be the duty of the Nature Conservancy Council and the new Councils to provide the Secretary of State with all such information and other assistance as he may reasonably require for the purposes of or in connection with the exercise of any power conferred on him by this paragraph.

Proposals for certain staff of the Countryside Commission

- 12 Not later than such date or dates as the Secretary of State may determine, the Countryside Commission shall prepare and submit to the Secretary of State for approval proposals as to which of their employees are to receive offers of employment from the Countryside Council for Wales under section 137 of this Act.
- 13 (1) The Secretary of State may, after consultation with the Countryside Council for Wales—
- (a) approve the proposals submitted to him under paragraph 12 above or modify the proposals before approving them;

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- (b) if he decides not to approve the proposals or if the Countryside Commission fail to submit the proposals by the due date, make his own proposals; and any proposals made by the Secretary of State shall be treated for all purposes as if they were made by the Commission and approved by him.
- (2) It shall be the duty of the Countryside Commission and the Countryside Council for Wales to provide the Secretary of State with all such information and other assistance as he may reasonably require for the purposes of or in connection with the exercise of any power conferred on him by this paragraph.

Offers of employment

- 14 (1) Each new Council shall, before such date as the Secretary of State may direct, make offers of employment in accordance with this paragraph to those persons allocated to that Council by the proposals under paragraph 10 above as approved by the Secretary of State.
- (2) The Countryside Council for Wales shall, before such date as the Secretary of State may direct, make offers of employment in accordance with this paragraph to those persons who are the subject of proposals under paragraph 12 above as approved by the Secretary of State.
- (3) The terms of employment to be offered 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.
- (4) An offer under this paragraph shall not be revocable during the period of 3 months commencing with the date on which it is made.

Continuity of employment, redundancy etc.

- 15 Where a person becomes an employee of a new Council in consequence of an offer made under paragraph 14(1) or (2) above, then, for the purposes of [F1the Employment Rights Act 1996], his period of employment with the Nature Conservancy Council, or as the case may be, the Countryside Commission shall count as a period of employment by the new Council and the change of employment shall not break the continuity of the period of employment.

Textual Amendments

- F1** Words in *Sch. 10 para. 15* substituted (22.8.1996) by *1996 c. 18, ss. 240, 243, Sch. 1 para.47* (with *ss. 191-200, 202*).

- 16 Where an offer is made to a person in pursuance of paragraph 14(1) or (2) above, none of the redundancy procedures applicable to such a person shall apply to him; and where that person ceases to be employed by the Nature Conservancy Council or, as the case may be, the Countryside Commission—
- (a) on becoming employed by a new Council, or

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- (b) having unreasonably refused an offer,
^{F2} . . . he shall not be treated for the purposes of any superannuation or other pension scheme as having been retired on redundancy.

Textual Amendments

- F2** Words in [Sch. 10 para. 16](#) repealed (22.8.1996) by [1996 c. 18, ss. 242, 243](#), [Sch. 3 Pt.I](#) (with [ss. 191-200, 202](#)).

Disputes

- 17 (1) Any dispute as to whether an offer under paragraph 14(1) or (2) above complies with sub-paragraph (3) of that paragraph shall be referred to and determined by an industrial tribunal.
- (2) An industrial tribunal shall not consider a complaint referred to it under sub-paragraph (1) above unless the complaint is presented to the tribunal before the end of the period of 3 months beginning with the date of the offer or, where the tribunal is satisfied that it was not reasonably practicable for that to be done, within such further period as the tribunal considers reasonable.
- (3) Subject to sub-paragraph (4) below, there shall be no appeal from the decision of an industrial tribunal under this paragraph.
- (4) An appeal to the Employment Appeal Tribunal may be made only on a point of law arising from a decision of, or in proceedings before, an industrial tribunal under this paragraph.

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