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*Changes to legislation: There are currently no known outstanding effects for the Welsh Language (Wales) Measure 2011, Paragraph 1. (See end of Document for details)*

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## SCHEDULE 12

### ABOLITION OF WELSH LANGUAGE BOARD: OTHER PROVISION

#### *Staff of the Board*

- 1 (1) The Welsh Ministers may, by order, make provision for staff of the Board to be transferred to—
- (a) the Commissioner, or
  - (b) the Welsh Assembly Government.
- (2) The contract of employment of a person transferred by virtue of this paragraph—
- (a) is not terminated by the transfer, and
  - (b) has effect from the date of the transfer as if originally made between the transferred person and the transferee.
- (3) Without prejudice to sub-paragraph (2)—
- (a) where a person is transferred to the employment of the Commissioner—
    - (i) all the rights, powers, duties and liabilities of the Board under or in connection with the person's contract of employment are transferred to the Commissioner on the date of the transfer, and
    - (ii) anything done before that date by or in relation to the Board in respect of the person or the contract is to be treated from that date as having been done by or in relation to the Commissioner,
  - (b) where a person is transferred to the employment of the Welsh Assembly Government—
    - (i) all the rights, powers, duties and liabilities of the Board under or in connection with the person's contract of employment are transferred to the Welsh Ministers on the date of the transfer, and
    - (ii) anything done before that date by or in relation to the Board in respect of the person or the contract is to be treated from that date as having been done by or in relation to the Welsh Ministers.
- (4) Where a person is transferred by virtue of this paragraph, that person's period of employment with the Board immediately before the transfer date—
- (a) counts as a period of employment as a member of the staff of the transferee, and
  - (b) is to be treated as continuous employment as a member of the staff of the transferee for the purposes of section 218(3) of the Employment Rights Act 1996.
- (5) A contract of employment (or the rights, powers, duties and liabilities under or in connection with it) is not transferred under this paragraph if the employee objects to the transfer and informs the Board or the transferee of that objection.
- (6) If the employee informs the Board or the transferee of an objection under sub-paragraph (5)—
- (a) the contract of employment is terminated immediately before the date the transfer would occur, but
  - (b) the employee is not treated, for any purpose, as having been dismissed by the Board.

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- (7) Nothing in this paragraph affects any right of a person transferred to terminate his or her contract of employment if (apart from the change of employer) a substantial change is made to the person's detriment in his or her working conditions.
- (8) Provision may be made under sub-paragraph (1) in respect of all persons employed by the Board, any class or description of person, or any individual person.
- (9) In this paragraph “transferee” refers to the employer to whom the person is or would be transferred under this paragraph.

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**Commencement Information**

**II** Sch. 12 para. 1 in force at 28.6.2011 by S.I. 2011/1586, art. 2(d)

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