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*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 1

#### THE BOARDS

#### PART IV

#### ROYAL BOTANIC GARDENS, KEW

##### *Staff*

- 34 (1) There shall be a Director of the Royal Botanic Gardens, Kew who shall be appointed by the Board with the approval of the [<sup>F1</sup>Secretary of State].
- (2) The Director shall be responsible to the Board for the general exercise of the Board's functions.
- (3) The Board may appoint such other employees as the Board think fit.
- (4) The Board shall pay to their employees such remuneration and allowances as the Board may determine.
- (5) The employees shall be appointed on such other terms and conditions as the Board may determine.
- (6) A determination under sub-paragraph (4) or (5) is ineffective unless made with the approval of the [<sup>F1</sup>Secretary of State] given with the Treasury's consent.
- (7) Employment with the Board shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M1</sup>Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) "Royal Botanic Gardens, Kew" shall be inserted after "National Portrait Gallery".

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#### Textual Amendments

- F1** Words in [Sch. 1 para. 34\(1\)\(6\)](#) substituted (27.3.2002) by [S.I. 2002/794, art. 5\(1\)](#), [Sch. 1 para. 25\(1\)\(3\)\(b\)](#) (with arts. 5(3), 6)
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#### Marginal Citations

- M1** [1972 c. 11](#)

- 35 (1) The Board shall make, not later than such date as the Minister may determine, an offer of employment by the Board to each person employed immediately before that date in the civil service of the State for the purposes of the institution known as the Royal Botanic Gardens.

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- (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 Board 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 commencing with the date on which it is made.
- (5) Where a person becomes an employee of the Board in consequence of this paragraph, then, for the purposes of [<sup>F2</sup>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 Board 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 Board 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 [<sup>F3</sup>employment tribunal].
- (7) An [<sup>F3</sup>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 [<sup>F3</sup>employment tribunal] under this paragraph; and no appeal shall lie except to the Employment Appeal Tribunal from any decision of an [<sup>F3</sup>employment tribunal] under this paragraph.

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#### **Textual Amendments**

- F2** Words in Sch. 1 Pt. IV para. 35(5) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, Sch. 1 para. 23(d) (with ss. 191, 192, 193, 194, 195, 202)
- F3** Words in Sch. 1 Pt. IV para. 35(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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