



# Local Government Act 1985

## 1985 CHAPTER 51

### PART VI

#### STAFF

#### <sup>F1</sup>50 Functions of staff commission.

.....

##### Textual Amendments

**F1** Ss. 49-51 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

##### Modifications etc. (not altering text)

**C1** S. 50 amended by [S.I. 1985/1383](#), [art. 6](#)

#### <sup>F1</sup>51 Remuneration of employees.

.....

##### Textual Amendments

**F1** Ss. 49-51 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 10](#) Group 3

#### 52 Power to transfer staff.

(1) This section applies to any person who—

- (a) immediately before the abolition date is in the service of the Greater London Council or a metropolitan county council (in this section referred to as his “employing council”) under a contract of employment which would have continued but for the abolition of that council; and

---

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, Part VI. (See end of Document for details)*

---

- (b) is designated for the purposes of this section by an order made by the Secretary of State.
- (2) The contract of employment between a person to whom this section applies and his employing council shall not be terminated by the abolition of that council but shall have effect from the abolition date as if originally made between him and such successor authority (“the new employer”) as may be specified in relation to that person by the order designating him for the purposes of this section.
- (3) Without prejudice to subsection (2) above—
- (a) all the employing council’s rights, powers, duties and liabilities under or in connection with a contract to which that subsection applies shall by virtue of this section be transferred on the abolition date to the new employer; and
- (b) anything done before the abolition date by or in relation to the employing council in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the new employer.
- (4) Subsections (2) and (3) above are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions but no such right shall arise by reason only of the change of employer effected by this section.
- (5) An order under this section may designate a person either individually or as a member of a class or description of employees.
- (6) In this section “successor authority” means a London borough council, the Common Council, a metropolitan district council, a new authority and any other body to which functions or property of the Greater London Council or a metropolitan county council are transferred by or under this Act or any other enactment.

**Modifications etc. (not altering text)**

**C2** S. 52 amended by [S.I. 1986/399](#), [arts. 1, 4](#)

**53 Compensation for loss of office or diminution of emoluments.**

- (1) This section applies to any person who at any time after the passing of this Act is in the service of—
- (a) the Greater London Council or the council of a metropolitan county, metropolitan district or London borough or the Common Council; or
- (b) a new authority or a residuary body,
- and suffers loss of employment or loss or diminution of emoluments which is attributable to any provision made by or under this Act.
- (2) Compensation in respect of any such loss or diminution suffered by a person to whom this section applies shall, subject to subsection (3) below, be paid only in accordance with regulations made for the purposes of this section under section 24 of the <sup>M1</sup>Superannuation Act 1972; and accordingly none of the councils, authorities or bodies mentioned in subsection (1) above shall pay any such compensation under any other statutory provision, by virtue of any provision in a contract or otherwise.
- (3) Subsection (2) above shall not preclude the making of any payment to which a person is entitled by virtue of contractual rights acquired by him before 2nd March 1984.

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, Part VI. (See end of Document for details)*

(4) Regulations under the said section 24 shall not provide compensation for a person to whom this section applies in respect of any such loss or diminution as is mentioned in subsection (1) above so far as attributable to the termination on or before the abolition date of a contract made after 1st March 1984 which provides for the employment of that person for a fixed term extending beyond the abolition date.

<sup>F2</sup>(5) .....

(6) <sup>F3</sup> . . . nothing in this section shall be construed as affecting any entitlement to <sup>F3</sup> . . . any payment by virtue of any provision of the <sup>M2</sup>Superannuation Act 1972 other than the said section 24.

**Textual Amendments**

**F2** S. 53(5) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F3** Words in s. 53(6) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**Modifications etc. (not altering text)**

**C3** S. 53 amended by [S.I. 1985/1884](#), **art. 6**

**C4** S. 53 modified by [S.I. 1986/399](#), **arts. 1, 5**

**Marginal Citations**

**M1** 1972 c. 11.

**M2** 1972 c. 11.

**54 Continuity of employment in certain cases of voluntary transfer.**

(1) This section applies to a person who at any time after the passing of this Act ceases to be employed by a relevant authority (his “former employer”) if—

- (a) the termination of his employment is attributable to any provision made by or under this Act;
- (b) he is subsequently employed by another person (his “new employer”); and
- (c) by virtue of section 84, 94 or 95 of the <sup>M3</sup>Employment Protection (Consolidation) Act 1978 (renewal or re-engagement) that subsequent employment precludes his receiving any redundancy payment under Part VI of that Act.

(2) Where this section applies to a person [<sup>F4</sup>Chapter 1 of Part XIV of the Employment Rights Act 1996] (computation of period of employment for the purposes of that Act) shall have effect in relation to that person as if it included the following provisions, that is to say—

- (a) the period of employment of that person with his former employer shall count as a period of employment with his new employer; and
- (b) the change of employer shall not break the continuity of the period of employment.

(3) Where this section applies to a person the period of his employment with his former employer shall count as a period of employment with his new employer for the purposes of any provision of his contract of employment with his new employer which depends on his length of service with that employer.

*Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, Part VI. (See end of Document for details)*

(4) The relevant authorities for the purposes of this section are the same as those for the purposes specified in section 50(3) above.

**Textual Amendments**

**F4** Words in s. 54(2) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 26(2)** (with ss. 191-195, 202)

**Modifications etc. (not altering text)**

**C5** S. 54 amended by S.I. 1986/399, **arts. 1, 6**

**Marginal Citations**

**M3** 1978 c. 44.

**<sup>F5</sup>55 Offers of employment by successor authorities.**

.....

**Textual Amendments**

**F5** S. 55 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 10** Group 3

**<sup>F6</sup>56 Information as to local government manpower.**

.....

**Textual Amendments**

**F6** S. 56 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 10** Group 3

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government Act 1985, Part VI.