



# Local Government Act 1972

## 1972 CHAPTER 70

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **255 Transfer of officers.**

- (1) Any of the following instruments under any of the provisions of this Act, that is to say an order under section 9, 10, 11, [<sup>F1</sup>27B, 27D, 27F, 27H, 27J or 27L], regulations or an order under section 67 or an order under section 198, 200, 201 or 254 may contain provisions as to the transfer of any person who is, on such date as may be specified in relation to him in the order or by or under the regulations, the holder of any office or employment and who is affected by any provision of, or of any instrument made under, this Act and shall contain provision for the protection of the interests of such persons.
- (2) In the case of any person who on 31st March 1974 is in the employment of one or more local authorities who are or include a council or municipal corporation which ceases to exist by virtue of section 1 or 20 above, the Secretary of State shall by order make such provision as is necessary to ensure that, to the extent, if any, to which, by reason only of the said section 1 or 20, that person would apart from the order cease on 1st April 1974 to be in such employment, that person is transferred on 1st April 1974 to the employment of such local authority as may be specified in or determined under the order.
- (3) Any such order or regulations as is or are referred to in subsection (1) or (2) above shall include such provision with respect to any person who is transferred by or under the order or regulations from the employment of one authority to that of another so as to secure that—
  - (a) so long as he continues in the employment of that other authority by virtue of the transfer and until he is served with a statement in writing referring to the order or regulations and specifying new terms and conditions of employment,

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*Changes to legislation: Local Government Act 1972, Section 255 is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes*

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he enjoys terms and conditions of employment not less favourable than those which he enjoyed immediately before the date of transfer; and

- (b) the said new terms and conditions are such that—
- (i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and
  - (ii) the other terms and conditions of his employment,
- are not less favourable than those which he enjoyed immediately before the date of transfer.

(4) Subsections (2) and (3) above shall apply in relation to—

- (a) a police authority,
- (b) a burial board, joint burial board or joint committee which ceases to exist by virtue of section 214 above,
- (c) any prescribed association of local authorities the constituent members of which include councils falling within subsection (2) above, and
- (d) any prescribed association of committees of local authorities the constituent members of which include committees of councils falling within subsection (2) above,

as they apply in relation to a local authority who are a council which ceases to exist by virtue of section 1 or 20 above, but in their application to police authorities shall have effect as if any reference to a person in the employment of an authority were a reference to the civilian employees of a police authority.

(5) A statutory instrument containing an order under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Textual Amendments**

- F1** Words in s. 255(1) substituted (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 114(1)(c), 178(2)** (with s. 115)

**Changes to legislation:**

Local Government Act 1972, Section 255 is up to date with all changes known to be in force on or before 21 April 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)