Education Reform Act 1988

1988 CHAPTER 40

PART III

EDUCATION IN INNER LONDON

Staff

172   Power to transfer staff

(1) This section applies to any person who—

   (a)   immediately before the abolition date is in the service of ILEA under a contract of employment which would have continued but for the abolition of ILEA; and

   (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and ILEA shall not be terminated by the abolition of ILEA but shall have effect as from the abolition date as if originally made between him and such successor authority ("W") as may be specified in relation to that person by the order designating him for the purposes of this section.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 ILEA'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 that date by or in relation to ILEA 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 in 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)   an inner London council;

    (b)   the London Residuary Body; and

    (c)   any local authority other than an inner London council to which functions or property of ILEA are transferred by order under section 168 of this Act.