



Local Government (Wales) Act 1994

1994 CHAPTER 19

PART V

RESIDUARY MATTERS AND STAFF

45 Other compensation payments.

- (1) This section applies where any contract of employment made before 1st December 1993 is terminated as a result of this Act.
- (2) Subsection (2) of section 44 applies for the purposes of this section as it applies for the purposes of that section.
- (3) If the contract—
 - (a) provided for the employee's employment for a fixed term extending beyond 31st March 1996, but
 - (b) did not provide for the earlier termination of the contract by the authority concerned,the employee shall be treated as having been entitled, immediately before 1st April 1996, to receive from the old authority an amount equal to the damages which he would have been entitled to recover from that authority if they had not been abolished but had dismissed him immediately before that date.
- (4) If the contract (whether or not for a fixed term) provided for its termination by the old authority on payment of compensation for loss of employment, the employee shall be treated as having been entitled, immediately before 1st April 1996, to receive from the old authority an amount equal to the compensation which he would have been entitled to receive from that authority if they had not been abolished but had terminated the contract immediately before that date.
- (5) In subsection (4) "compensation for loss of employment" does not include any payment to be made under the contract in lieu of notice.
- (6) Where the amount of compensation payable under a contract differs according to the reasons for termination of the contract, the amount payable by virtue of subsection (4)

Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Act 1994, Section 45. (See end of Document for details)

shall be determined on the assumption that the contract was terminated by reason of redundancy within the meaning of [F1the Employment Protection (Consolidation) Act 1978].

- (7) The Secretary of State may by regulations exclude the operation of this section in prescribed circumstances (and, in particular, in cases of engagement by new principal councils).

Textual Amendments

- F1** S. 45(6): by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 63(5)** (with ss. 191-195, 202) it is provided (22.8.1996) that in s. 45(5) for the words “the Employment Protection (Consolidation) Act 1978” there be substituted the words “the Employment Rights Act 1996”

Modifications etc. (not altering text)

- C1** S. 45 excluded (4.5.1995) by S.I. 1995/1039, **reg. 3**
- C2** Ss. 40-45 applied (with modifications) (23.11.1995) by S.I. 1995/2803, **art. 16** (with transitional provisions in **Schs. 6-8**)

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