
STATUTORY INSTRUMENTS

1996 No. 330

The Local Government Changes for England
(Miscellaneous Provision) Regulations 1996

PART V

MISCELLANEOUS EMPLOYMENT MATTERS

Disapplication

10. Regulations 5 to 10 of the Local Government Changes for England (Property Transfer and Transitional Payments) Regulations 1995 (“the 1995 Regulations”)(**1**) shall not apply with respect to any rights or liabilities of an abolished authority which are transferred to a successor authority or the designated authority by virtue of this Part.

Interpretation of Part

11.—(1) In this Part—

“eligible person” means a person to whom one of the following paragraphs is applicable—

- (a) (i) a person who immediately before the reorganisation date is employed by an abolished authority under a contract of employment which would continue but for the winding up and dissolution of that authority, and
 - (ii) whose employment is not transferred by an order made under the Act for the transfer of staff or by operation of law upon the winding up and dissolution of that authority;
- (b) a person whose employment was terminated by an abolished authority for reasons unconnected with an order made under section 17 of the Act;
- (c) a person who immediately before the reorganisation date is employed by an abolished authority and who not later than four weeks after that date commences employment with either—
 - (i) a successor authority which is not the designated authority in respect of that person, or
 - (ii) any other employer; or
- (d) a person who resigns from employment with an abolished authority at any time during the preliminary period as defined by the relevant order made under section 17 of the Act, and who commences employment before the reorganisation date with either—
 - (i) a successor authority which is not the designated authority in respect of that person or
 - (ii) any other employer.

“successor authority” has the same meaning as in the 1995 Regulations.

(1) [S.I. 1995/402](#). The definition of “successor authority” is amended by [S.I. 1995/2796](#) which also makes other amendments.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) For the purposes of this Part, the designated authority in respect of an eligible person formerly employed by an abolished authority shall be—

- (a) in a case where there is only one successor authority in relation to that abolished authority, that successor authority; and
- (b) in the case of an abolished authority mentioned in column (1) of the following Table, the successor authority mentioned in column (2)—

(1) Abolished authority	(2) Designated authority
Avon County Council	Bristol City Council
Cleveland County Council	Middlesbrough Borough Council
Humberside County Council	East Riding of Yorkshire District Council
Boothferry Borough Council	East Riding of Yorkshire District Council

Claims etc, in connection with contracts of employment

12.—(1) Where immediately before the reorganisation date an eligible person has any claim or right of action against an abolished authority arising under, or in connection with, his contract of employment—

- (a) if he is a person to whom sub-paragraphs 11(c)(i) or (d)(i) above applies, he shall be entitled to bring, or to continue, that claim or any proceedings against the successor authority with whom he is employed; and
- (b) in all other cases he shall be entitled to bring, or to continue, that claim or any proceedings against the designated authority.

(2) Where an eligible person has any claim or wishes to bring any proceedings with respect to the termination of his employment with an abolished authority—

- (a) if he is a person to whom sub-paragraphs 11(1)(c)(i) or (d)(i) above applies, he shall be entitled to bring that claim or any proceedings against the successor authority with whom he is employed; and
- (b) in all other cases, he shall be entitled to bring that claim or any proceedings against the designated authority.

(3) An eligible person shall be entitled to recover from the designated authority, or from the successor authority if he is a person to whom sub-paragraphs 11(1)(c)(i) and (d)(i) above apply, any sum to which he is entitled—

- (a) by virtue of regulation 5 (redundancy payments) of the Local Government Changes for England (Staff) Regulations 1995(2); or
- (b) by way of compensation under Part II or III of the Local Government (Compensation for Redundancy) Regulations 1994(3) or Part VI of the Employment Protection (Consolidation) Act 1978(4) (“the 1978 Act”); or
- (c) by way of compensation payable under Part V of the 1978 Act (unfair dismissal);
- (d) by way of compensation under the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1989(5); or

(2) S.I. 1995/520.
(3) S.I. 1994/3025.
(4) 1978 c. 44.
(5) S.I. 1989/298.

- (e) by way of damages for any breach of his contract of employment.

Discretionary increases in compensation

13.—(1) This regulation applies where, before the reorganisation date—

- (a) it was the prevailing practice of an abolished authority to exercise any discretionary power in respect of any employee, or description of employee, so as to secure the payment of any increase in remuneration, allowances, or gratuities; and
- (b) the abolished authority was unable, or failed, to exercise that power before the reorganisation date; and
- (c) the effect of exercising that power would have been to increase the amount of any compensation payable to an eligible person as a result of the termination of his employment.

(2) The designated authority, or the successor authority if sub-paragraphs 11(1)(c)(i) and (d)(i) above apply, may treat an eligible person for the purposes of any claim for compensation he may have as if the designated authority or successor authority had exercised that power in a way which is neither more nor less beneficial than the general character of the prevailing practice mentioned in paragraph (1) above.

Costs of designated authorities

14. Where the designated authority is a successor authority mentioned in column (2) of the Table in regulation 11(2)—

- (a) any costs incurred by that authority in complying with regulations 12 and 13 shall be borne equally by that authority and each of the other successor authorities in relation to the corresponding abolished authority mentioned in column (1) of that Table; and
- (b) the designated authority shall be entitled to recover from such other successor authorities any sum which is payable under the previous sub-paragraph.