Local Government (Wales) Act 1994

1994 CHAPTER 19

PART V

RESIDUARY MATTERS AND STAFF

44 Redundancy payments.

(1) In determining the effect of any provision of—

(a) **[**[F1]Part IX, X or XI of the Employment Rights Act 1996**]**, or

(b) Chapter II of Part IV of the [M1]Trade Union and Labour Relations (Consolidation) Act 1992,

in relation to a person whose contract of employment is terminated as a result of this Act, it shall be assumed that he was dismissed by the old authority concerned by reason of redundancy immediately before 1st April 1996 and that his dismissal was proposed by the authority.

(2) For the purposes of this section—

(a) a person's contract of employment is terminated as a result of this Act if—

(i) immediately before 1st April 1996 he was in the service of an old authority under a contract of employment which would have continued in force if that authority had not been abolished; and

(ii) his contract of employment is not transferred to a new principal council or to the Residuary Body; and

(b) a contract of employment is transferred—

(i) to a new principal council, if it is treated by any provision made by this Act, or by or under any other enactment, as continued in force with that council on 1st April 1996; or

(ii) to the Residuary Body, if it is so treated as continued in force with the Residuary Body on that date.

(3) The new principal council to whom an old authority's liability as respects any redundancy payment under Part VI of the Act of 1978 is transferred under this Act shall be treated as the employer of the person concerned for the purposes of **[**[F2]sections

164, 165, 170 and 179 of the Employment Rights Act 1996**]** (ancillary provisions about redundancy payments).

(4) As respects any such redundancy payment, references to the relevant date in **[**[F3]sections 155, 156, 162 and 164 of the Employment Rights Act 1996**]**, and in Schedule 4 to that Act, shall be construed as references to 31st March 1996.

Textual Amendments

F1 Words in s. 44(1) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 63(4)(a)** (with ss. 191-195, 202)

F2 Words in s. 44(3) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 63(4)(b)** (with ss. 191-195, 202)

F3 Words in s. 44(4) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 63(4)(c)** (with ss. 191-195, 202)

Modifications etc. (not altering text)

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

Marginal Citations

M1 1992 c. 52.

Changes to legislation:
There are currently no known outstanding effects for the Local Government (Wales) Act 1994, Section 44.