



# Local Government etc. (Scotland) Act 1994

## 1994 CHAPTER 39

### PART I

#### LOCAL GOVERNMENT REORGANISATION

#### CHAPTER 2

#### STAFF

#### 10 Continuity of employment.

- (1) This section applies to a person who at any time after the passing of this Act ceases to be employed by an existing local authority (his “former employer”) if—
- (a) the termination of his employment is attributable, directly or indirectly, to any provision made by or under this Act;
  - (b) he is subsequently employed by another person (his “new employer”); and
  - (c) by virtue of [<sup>F1</sup>section 138 of the <sup>M1</sup>Employment Rights Act 1996] (renewal or re-engagement) that subsequent employment precludes his receiving any redundancy payment under [<sup>F2</sup>Part XI] of that Act.
- (2) Where this section applies to a person, [<sup>F3</sup>Chapter I of Part XIV of the Employment Rights Act 1996] (computation of a period of employment for the purposes of that Act) shall have effect in relation to that person as if it included the following provisions, that is to say—
- (a) the period of employment of that person with his former employer shall count as a period of employment with his new employer; and
  - (b) the change of employer shall not break the continuity of the period of employment.

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 10. (See end of Document for details)

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- (3) Where this section applies to a person, the period of his employment with his former employer shall count as a period of employment with his new employer for the purposes of any provision of his contract of employment with his new employer which depends on his length of service with that employer.
- (4) In this section “existing local authority” includes a joint committee and a joint board but does not, subject to any other provision of this Act, include an islands authority.

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**Textual Amendments**

- F1** Words in s. 10(1)(c) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 66(2)(a)(i)**
- F2** Words in s. 10(1)(c) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 66(2)(a)(ii)**
- F3** Words in s. 10(2) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 66(2)(b)**
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**Marginal Citations**

- M1** 1996 c. 18

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