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STATUTORY INSTRUMENTS

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**1965 No. 624**

**LONDON GOVERNMENT**

**The London Courts (Transfer of Staff) Order 1965**

<i>Made</i>	- - - -	<i>25th March 1965</i>
<i>Laid before Parliament</i>		<i>31st March 1965</i>
<i>Coming into Operation</i>		<i>1st April 1965</i>

In exercise of the powers conferred on me by sections 84 and 85 of the London Government Act 1963 as extended by section 35 of the Administration of Justice Act 1964 I hereby make the following Order:—

*Transfers*

1. Any clerk to a metropolitan police court or other person employed in connection with the metropolitan police courts and appointed by the Secretary of State under the Metropolitan Police Acts 1829 to 1959 shall be transferred on 1st April 1965 to the employment of the committee of magistrates for inner London.

2.—(1) Any justices' clerk for a petty sessions area specified in column 1 of Part I of the Schedule to this Order or any officer appointed to assist such a justices' clerk, including any usher but excluding any officer to whom paragraph (2) of this Article applies, and employed by a magistrates' courts committee named in an entry in column 2 of Part I of the said Schedule shall be transferred on 1st April 1965 to the employment of the authority specified opposite to that entry in column 3 of Part I of the said Schedule.

(2) Any officer employed in connection with the management, control or maintenance of court-houses in a petty sessions area specified in column 1 of Part I of the Schedule to this Order and employed by a magistrates' courts committee named in an entry in column 2 of Part I of the said Schedule shall be transferred on 1st April 1965 to the employment of the authority specified opposite to that entry in column 4 of Part I of the said Schedule.

(3) Any officer employed by an authority named in column 1 of Part II of the Schedule to this Order in a capacity specified in an entry in column 2 of Part II of the said Schedule shall be transferred on 1st April 1965 to the employment of the authority specified opposite to that entry in column 3 of Part II of the said Schedule.

3.—(1) Any provision in this Order for the transfer of officers of any authority applies to any officer who, on 31st March 1965, is in the employment of such authority, but in the case of a person

not in the whole-time employment of the authority the transfer effected by such provision in its application to the authority is limited to employment with the authority.

(2) For the purposes of this Order the clerk of the peace, deputy clerk of the peace and justices' clerk for any area shall be treated as employed by an authority, if that authority appointed him, and as having been transferred to, and thereafter as being in, the employment of an authority, if that authority has power to appoint such a clerk.

(3) Nothing in Articles 1 and 2 applies to any person as regards any employment which, otherwise than by virtue of the abolition of the authority by which he is employed, is to be terminated on 31st March 1965.

(4) Where any officer is on 31st March 1965 absent from his normal duties for the purpose of undergoing training, Articles 1 and 2 shall apply—

- (a) if it was part of the arrangements under which he is so absent that at the completion of such training he should be employed in a place, situation or employment different from the place, situation or employment which he occupied prior to the commencement of the training, as if he was, on 31st March 1965, occupying such different place, situation or employment;
- (b) otherwise as if he was, on 31st March 1965, occupying the place, situation or employment which he occupied immediately prior to the commencement of such training.

(5) Where any officer is on 31st March 1965 absent from his normal duties otherwise than for the purpose of undergoing training he shall be deemed, in the application of Articles 1 and 2, to be discharging such duties.

(6) Any question whether an officer is employed in a capacity specified in an entry in column 2 of Part II of the Schedule to this Order shall be determined by a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor and any such reference may be made in relation to an officer at any time before 1st May 1965.

(7) Any authority named in column 4 of Part I or column 3 of Part II of the Schedule to this Order shall ensure that any officer employed by them is informed as to the provisions of this Order which apply to him and, in particular, as to the provisions of Articles 3(6) and 4(1).

#### *Protection of officers transferred*

4.—(1) Every officer transferred by Article 1 or 2 to the employment of any authority shall, so long as he continues in that employment by virtue of the transfer and until he is served with a statement in writing of new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those he enjoyed immediately before 1st April 1965. The said new terms and conditions shall be such that—

- (a) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before 1st April 1965, the scale of his salary or remuneration, and
- (b) the other terms and conditions of his employment,

are not less favourable than those he enjoyed immediately before 1st April 1965, and any question whether duties are reasonably comparable as aforesaid shall be determined by a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor.

(2) A written statement given in accordance with section 4(1) of the Contracts of Employment Act 1963 shall not be regarded as a statement of new terms and conditions of employment for the purposes of this Article unless the statement so indicates.

*Secondary transfers*

5. Any officer transferred by or under Article 1 or 2 to the employment of any authority may before 1st July 1965 (or if no statement in writing of new terms and conditions of employment under Article 4 is then in force before the service of such a statement) be transferred by the said authority, with the agreement of any one of the authorities named in the Schedule to this Order (other than an authority which will cease to exist on 1st April 1965) and of the officer, to the employment of that authority, and Article 4 shall thereupon apply to such officer as it applies to officers transferred by the Article first mentioned.

*Saving for training arrangements*

6. Any arrangements under which any officer transferred by or under Article 1 or 2 underwent training which have not been discharged before 1st April 1965 shall continue to apply with the substitution, for the authority in whose employment the officer was prior to the commencement of the training, of the authority to whose employment he has been transferred as aforesaid.

*Saving for extensions of service*

7. Any extension of service under section 7(1) of the Local Government Superannuation Act 1937 as originally enacted or as modified by paragraph 4 of Schedule 3 to the Local Government Superannuation Act 1953 effective immediately before 1st April 1965 in relation to an officer transferred by or under Article 2 shall continue to have effect as if it had been made by the authority to whose employment he is transferred as aforesaid.

*Appointment of assessor*

8. On any reference under Article 3(6) or 4(1) the referee or board of referees may, if he or they think fit, appoint a person having special knowledge or experience in relation to the subject matter of the reference to sit with him or them as assessor.

*Title, commencement and interpretation*

9.—(1) The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) In this Order—

- (a) “officer” includes the holder of any place, situation or employment;
- (b) any reference to a numbered Article shall be construed as a reference to the Article bearing that number in this Order.

10. This Order may be cited as the London Courts (Transfer of Staff) Order 1965 and shall come into operation on 1st April 1965.

25th March 1965

*Frank Soskice*  
One of Her Majesty's Principal Secretaries of  
State  
Home Office, Whitehall

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## SCHEDULE

## PART I

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>Relevant petty sessions area</i>	<i>Transferor magistrates' courts committee</i>	<i>Transferee authority for purposes of Article 2(1)</i>	<i>Transferee authority for purposes of Article 2(2)</i>
The Beacontree, Romford and Waltham Abbey petty sessional divisions of the county of Essex.	The magistrates' courts committee for the county of Essex.	The magistrates' courts committee for the north-east London area.	The Greater London Council.
The county borough of East Ham.	The magistrates' courts committee for the county borough of East Ham.	The magistrates' courts committee for the north-east London area.	The Greater London Council.
The county borough of West Ham.	The magistrates' courts committee for the county borough of West Ham.	The magistrates' courts committee for the north-east London area.	The Greater London Council.
All the petty sessional divisions of the county of Middlesex.	The magistrates' courts committee for the county of Middlesex.	The magistrates' courts committee for the Middlesex area.	The Greater London Council.
All the petty sessional divisions of the county of London.	The magistrates' courts committee for the county of London.	The committee of magistrates for the inner London area.	The committee of magistrates for the inner London area.
The county borough of Croydon.	The magistrates' courts committee for the county borough of Croydon.	The magistrates' courts committee for the south-east London area.	The Greater London Council.
The Bromley and Penge petty sessional divisions of the county of Kent.	The magistrates' courts committee for the county of Kent.	The magistrates' courts committee for the south-east London area.	The Greater London Council.
The Kingston - upon - Thames, Malden and Surbiton, Mortlake, Richmond, Sutton, Wallington and Wimbledon petty sessional divisions of the county of Surrey.	The magistrates' courts committee for the county of Surrey.	The magistrates' courts committee for the south-west London area.	The Greater London Council.

## PART II

<i>1</i>	<i>2</i>	<i>3</i>
<i>Transferor authority</i>	<i>Class of officers to be transferred</i>	<i>Transferee authority</i>
The County of London Standing Joint Committee.	<p>(a) The clerk of the peace deputy clerk of the peace and any officer (including ushers) assisting the clerk of the peace or the deputy clerk of the peace in the performance of the duties of his office, or of the office of clerk to the standing joint committee or magistrates' courts committee.</p> <p>(b) All other officers employed by the Standing Joint Committee, being officers employed in connection with the management, control or maintenance of accommodation provided for quarter sessions.</p>	<p>(a) The court of quarter sessions for the inner London area.</p> <p>(b) The Greater London Council.</p>
The Middlesex County Council.	Any officer in employment in which substantially the whole of his time is devoted to assisting the clerk of the peace or the deputy clerk of the peace in the performance of the duties of his office, or of the office of clerk to the Standing Joint Committee or magistrates' courts committee.	The court of quarter sessions for the Middlesex area.
The Middlesex Standing Joint Committee.	<p>(a) The clerk of the peace and the deputy clerk of the peace.</p> <p>(b) All other officers employed by the Standing Joint Committee.</p>	<p>(a) The court of quarter sessions for the Middlesex area.</p> <p>(b) The Greater London Council.</p>
The court of quarter sessions for the county of Middlesex.	The court of quarter sessions ushers	The court of quarter sessions for the Middlesex area.
The court of quarter sessions for the county borough of West Ham.	The clerk of the peace and any officer (including ushers) in employment in which substantially the whole of his time is devoted to assisting the clerk of the peace in the performance of the duties of his office.	The court of quarter sessions for the north-east London area.
The court of quarter sessions for the county borough of Croydon.	The clerk of the peace and any officer (including ushers) in employment in which substantially the whole of his time is devoted to assisting the clerk of the peace in the performance of the duties of his office.	The court of quarter sessions for the south-east London area.

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### **EXPLANATORY NOTE**

This Order makes general provision consequential on the Administration of Justice Act 1964 for the transfer, and protection of interests, of persons holding places, situations and employments in connection with the administration of justice in London, in particular clerks of the peace, justices' clerks and their staffs.