

1974 No. 147

LOCAL GOVERNMENT, ENGLAND AND WALES**The Local Government (Staff Transfer Schemes
and Community Councils) Order 1974**

Made - - - 31st January 1974

Laid before Parliament 7th February 1974

Coming into Operation 16th February 1974

The Secretary of State for the Environment, in relation to England, and the Secretary of State for Wales, in relation to Wales, in exercise of the powers conferred upon them by sections 254(1), 255(1) and 266(2) of the Local Government Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following order:—

Title and commencement

1. This order may be cited as the Local Government (Staff Transfer Schemes and Community Councils) Order 1974 and shall come into operation on 16th February 1974.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order—

“the Act” means the Local Government Act 1972; and

“Wales” means the area consisting of the counties established by section 20 of the Act (new local government areas in Wales), and “England” does not include any area included in any of those counties.

Staff transfer schemes

3.—(1) In this article—

“the Appeals Memorandum” means the Memorandum on Staff Appeals enclosed with Circular LGSC 15/73 (Local Government Staff Commission for England) LGSC(W) 12/73 (Local Government Staff Commission for Wales) dated 13th December 1973; and

“the order of 1973” means the Local Government (Staff Transfer Schemes) Order 1973(c).

(a) 1972 c. 70.

(b) 1889 c. 63.

(c) S.I. 1973/1847 (1973 III, p. 6377).

(2) For article 4(3)(b) of the order of 1973 (which provides that in preparing any scheme under that order a council shall give all officers likely to be transferred an opportunity to indicate any preference as to the authority to whom they would wish to be transferred and take into consideration the preferences so indicated), in the case of a scheme made under article 3(3) of that order, there shall be substituted—

“(b) give any officers likely to be transferred otherwise than in accordance with items (a) and (b) in paragraph 25 of the Memorandum an opportunity to indicate any preference as to the authority to whom they would wish to be transferred and take into consideration the preferences so indicated.”.

(3) Section 31 of the Arbitration Act 1950(a) shall have effect for the purposes of the determination of any question by an arbitrator appointed by the Secretary of State under article 5(1) of the order of 1973 as if such determination were an arbitration under any other Act within the meaning of that section.

(4) Any scheme made under the order of 1973 may be amended by the council by whom it was made.

Upon making any amendment a council shall transmit copies of the scheme as amended or of the amendments to the authorities and bodies representative of staff appearing to them to be concerned and notify every officer affected of the provision of the scheme as amended in relation to him.

(5) Appeals may be made by officers in accordance with arrangements set out in the Appeals Memorandum.

(6) The council of any administrative county, county borough or county district shall ensure that any officer is informed as to—

- (a) the provisions of the order of 1973 which are applicable to such council;
- (b) the authority to whom the officer would be transferred under a scheme; and
- (c) the provisions of the Appeals Memorandum which are applicable.

Community councils

4.—(1) For the purpose of securing the admission of representatives of the press and other members of the public to the meetings of community councils from the coming into office of councillors thereof until 1st April 1974, such councils shall be bodies to which the Public Bodies (Admission to Meetings) Act 1960(b) applies.

(2) For the purpose of securing that financial loss, travelling and subsistence allowances are payable, and that the expenses of conferences can be defrayed, in respect of members of community councils or of committees or joint committees thereof, including in either case sub-committees, from their coming into office until 1st April 1974, the following provisions, namely—

- (a) section 267 of the Local Government Act 1933(c) (conferences of local authorities); and

(a) 1950 c. 27.
(c) 1933 c. 51.

(b) 1960 c. 67.

(b) Part VI of the Local Government Act 1948(a) (allowances to members of local authorities and other bodies),

shall apply until the said date as if the said councils were—

- (i) in the case of (a), local authorities within the meaning of the said Act of 1933; and
- (ii) in the case of (b), councils of rural parishes.

Geoffrey Rippon,

Secretary of State for the Environment.

31st January 1974.

Peter Thomas,

Secretary of State for Wales.

31st January 1974.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order—

- (a) makes (Article 3) certain provision in relation to the schemes for the transfer of staff from the local authorities abolished by the Local Government Act 1972 which are to be made under the Local Government (Staff Transfer Schemes) Order 1973. There are four items—
- (i) in the case of an authority whose area is divided between two or more new authorities, the obligation to give officers likely to be transferred an opportunity to indicate preferences is limited to certain classes of such officers;
 - (ii) the character of arbitrations provided for by the 1973 Order is clarified;
 - (iii) the amendment of the schemes made under the 1973 Order is empowered; and
 - (iv) reference is made to the arrangements for appeal by officers.
- (b) makes (Article 4) provision—
- (i) for the application of the Public Bodies (Admission to Meetings) Act 1960 to the new community councils in Wales; and
 - (ii) for the payment of allowances under the Local Government Act 1948, and the expenses of conferences, in respect of members of such councils,
- in both cases as from the coming into office of the councillors until 1st April 1974, when the provisions of the Local Government Act 1972 will be applicable.

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