
STATUTORY INSTRUMENTS

1996 No. 398

LOCAL GOVERNMENT, ENGLAND AND WALES

The Cleveland (Staff Transfer) Order 1996

Made - - - - 21st February 1996
Laid before Parliament 1st March 1996
Coming into force - - 1st April 1996

The Secretary of State, in exercise of his powers under section 17(1) and 26(5) (b) of the Local Government Act 1992(1), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, Commencement and Application

1.—(1) This Order may be cited as the Cleveland (Staff Transfer) Order 1996 and shall come into force on 1st April 1996.

(2) This Order makes provisions which are consequential or supplementary to the Cleveland (Structural Change) Order 1995.(2)

Interpretation

2. In this Order—

“Cleveland district council” has the same meaning as in the Cleveland (Structural Change) Order 1995;

“contract of employment” means a contract under which a person works for another person whether under a contract of service or apprenticeship or otherwise but does not include a contract for services;

“designated list” means the list marked “The Cleveland (Staff Transfer) Order 1996 Designated List” which is signed by the Secretary of State for the Environment, one copy of which is deposited with each of the four Cleveland borough councils and one in the offices of the Secretary of State;

“employee” means a person employed under a contract of employment including a person employed under a fixed term contract the expiry date of which is after 31st March 1996, but does not include a person whose employment is on a temporary basis and who on 31st March 1996 has had a continuous period of employment (when calculated in accordance with

(1) 1992 c. 19.
(2) S.I. 1995/187.

section 151 of, and Schedule 13 to, the Employment Protection (Consolidation) Act 1978⁽³⁾ of less than two years.

Transfer of Staff

3.—(1) This article shall apply to any employee (a “designated employee”)—

- (a) who immediately before 1st April 1996 (“the reorganisation date”) was employed by the Cleveland County Council;
- (b) whose employment would continue but for the abolition of that council; and
- (c) whose name is mentioned, or who falls within a class or description of employees which is mentioned, in the designated list.

(2) The contract of employment of a designated employee shall not be terminated on the reorganisation date but shall have effect —

- (a) in the case of an employee who falls within a class or description of employees mentioned in any section of Part I of the designated list as if originally made between that employee, and the borough council mentioned at the head of that section;
- (b) in the case of an employee whose name is mentioned in any section of Part II of that list as if originally made between that employee, and the borough council mentioned at the head of that section.

(3) This article is without prejudice to any provision of the Transfer of Undertakings (Protection of Employment) Regulations 1981.⁽⁴⁾

Signed by authority of the Secretary of State

Department of the Environment
21st February 1996

Paul Beresford
Parliamentary Under Secretary of State,

⁽³⁾ 1978 c. 44 to which there are amendments not relevant to these regulations.

⁽⁴⁾ S.I.1981/1974 as amended by section 33 of the Trade Union Reform and Employment Rights Act 1993 c. 19.

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is supplemental to the Cleveland (Structural Change) Order 1995 which alters the structure of local government in the county of Cleveland. This Order specifies the staff employed by the Cleveland County Council whose employment is to be transferred to the four Cleveland borough councils.