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STATUTORY INSTRUMENTS

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**1996 No. 455**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Government Changes for England  
(Staff) (Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>28th February 1996</i>
<i>Laid before Parliament</i>		<i>28th February 1996</i>
<i>Coming into force</i>	- -	<i>20th March 1996</i>

The Secretary of State for the Environment, in exercise of the powers conferred upon him by sections 19 and 26 of the Local Government Act 1992<sup>(1)</sup>, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Local Government Changes for England (Staff) (Amendment) Regulations 1996 and shall come into force on 20th March 1996.

(2) These Regulations make incidental, consequential, transitional and supplementary provisions of general application in relation to the transfer of staff, and other staffing matters for the purposes of, and in consequence of, orders made by the Secretary of State under section 17 of the 1992 Act with respect to local government changes in England.

**Interpretation**

2. Words and phrases in these regulations shall have the same meanings as in the Local Government Changes for England (Staff) Regulations 1995<sup>(2)</sup> (“the principal Regulations”).

**Amendments to the Principal Regulations**

3. Regulation 5 of the principal Regulations shall be amended as follows:

(a) for paragraph (1) there shall be substituted—

“(1) This regulation applies to any person—

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(1) 1992 c. 19.  
(2) S.I.1995/520.

- (a) who immediately before the reorganisation date is employed by an authority, which in consequence of an order made under section 17 of the 1992 Act, is subject to a structural change, a boundary change or both;
- (b) whose employment is not transferred by an order for the transfer of staff made under the 1992 Act, or otherwise by operation of law to a new employment with a successor authority;
- (c) whose employment would continue but for the change or changes mentioned in sub-paragraph (a) above; and
- (d) who has not been made an offer as set out in section 82(3) of the Employment Protection (Consolidation) Act 1978<sup>(3)</sup> (as modified by the Redundancy Payments (Local Government) (Modification) Order 1983<sup>(4)</sup>); or if he has been made such an offer—
  - (i) in circumstances where the conditions in subsection (5)(a) and (b) of that section apply, has reasonably refused that offer; or
  - (ii) in circumstances where the conditions of subsection (6) of that section apply and he enters into a trial period as referred to in that subsection, has reasonably terminated the contract or has reasonably given notice to terminate it where the contract is, in consequence, terminated.”;
- (c) in paragraph (2) of regulation 5 for the words “the abolished authority” there shall be substituted the words “an authority mentioned in paragraph (1)(a) above” and for the words “wound up and dissolved” there shall be substituted the words “subject to the change or changes mentioned in paragraph (1)(a) above.”.

Signed by authority of the Secretary of State

Department of the Environment  
28th February 1996

*Paul Beresford*  
Parliamentary Under Secretary of State,

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<sup>(3)</sup> 1978 c. 44.

<sup>(4)</sup> S.I. 1983/1160 as amended by S.I. 1988/907, 1989/532, 1990/826, 1991/881 and 1993/784.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 5 of the Local Government Changes for England (Staff) Regulations 1995 (“the principal Regulations”) provides that staff who are not transferred either by staff transfer order made under the Local Government Act 1992, or in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 1981, and whose employment would have continued but for the winding up and abolition of the employing authority are entitled to treat themselves for the purposes of Part VI of the Employment Protection (Consolidation) Act 1978 and any regulations made under section 24 of the Superannuation Act 1972 as having been dismissed on grounds of redundancy.

These Regulations amend regulation 5 of the principal Regulations. First they extend the scope of regulation 5 to cover not just those authorities which are being wound up and dissolved by virtue of an order under section 17 of the Local Government Act 1992 but also those authorities who are subject to other structural or boundary changes or both. Second, they provide that regulation 5 will not apply to an employee who receives an offer for the renewal of his contract of employment or his re-engagement under a new contract of employment with a local government employer as defined for the purposes of the Redundancy Payments (Local Government) Modifications Order 1983 (as amended).