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STATUTORY INSTRUMENTS

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**1997 No. 461**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The East Sussex County Council (Boroughs of  
Brighton and Hove) (Staff Transfer) Order 1997**

<i>Made</i>	- - - -	<i>24th February 1997</i>
<i>Laid before Parliament</i>		<i>28th February 1997</i>
<i>Coming into force</i>	- -	<i>1st April 1997</i>

The Secretary of State, in exercise of his powers under section 17(1) and 26(5)(b) of the Local Government Act 1992<sup>(1)</sup> 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 East Sussex County Council (Boroughs of Brighton and Hove) (Staff Transfer) Order 1997 and shall come into force on 1st April 1997.

(2) This Order makes provisions which are consequential or supplementary to the East Sussex (Boroughs of Brighton and Hove) (Structural Change) Order 1995<sup>(2)</sup>.

**Interpretation**

**2. In this Order**

“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 East Sussex County Council (Boroughs of Brighton and Hove) (Staff Transfer) Order 1997 Designated List” which is signed by the Secretary of State for the Environment, one copy of which is deposited with the Brighton Borough Council, one copy with the Hove Borough Council, one copy with the East Sussex County Council and one in the offices of the Secretary of State for the Environment;

“employee” means a person employed under a contract of employment including a person employed under a fixed term contract the expiry date for which is after 31st March 1997, but does not include a person whose employment is on a temporary basis and who on 31st March

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(1) 1992 c. 19.  
(2) S.I.1995/1770.

1997 has had a continuous period of employment (when calculated in accordance with sections 210 to 219 of the Employment Rights Act 1996<sup>(3)</sup>) 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 1997 (“the reorganisation date”) was employed either by the East Sussex County Council, or the Brighton Borough Council or the Hove Borough Council;
- (b) whose employment would continue but for the transfer of functions to the Brighton and Hove Borough Council and the abolition of the Brighton and Hove Borough Councils; 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 Brighton and Hove Borough Council;
- (b) in the case of an employee who falls within a class or description of employees mentioned in any section of Part II of the designated list, as if originally made between that employee and the Brighton and Hove Borough Council.

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

Signed by authority of the Secretary of State

*David Curry*  
Minister of State,  
Department of the Environment

24th February 1997

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<sup>(3)</sup> 1996 c. 18.

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

## **EXPLANATORY NOTE**

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

This Order is supplemental to the East Sussex (Boroughs of Brighton and Hove) (Structural Change) Order 1995 which alters the structure of local government in the county of East Sussex. This order specifies the staff employed by the East Sussex County Council whose employment is to be transferred to the Brighton and Hove Borough Council. It also specifies the staff of the former boroughs of Brighton and Hove whose employment is to be transferred to the new Borough of Brighton and Hove.