



New Towns Act (Northern Ireland) 1965

1965 CHAPTER 13

SUPPLEMENTAL

35 Provisions with respect to the transfer and compensation of staff.

- (1) Where a municipal functions order or an order under section 33 is made relating to any function of a [^{F1} district council] or of a new town commission, being a function to which section 34 applies, then, subject to subsection (2), every person who, not having attained the age of sixty-five years on the date of transfer, was immediately before that date employed by the transferor for the purposes of that function shall, subject to the order, on that date (unless he otherwise elects) be employed by the transferee upon terms and conditions (including conditions as to superannuation benefits) not less favourable than those which immediately before the date of transfer applied to his employment by the transferor, with such increases of salary and other benefits as may before the date of transfer have by virtue of those terms accrued to him by efflux of time and such further increases of salary and other benefits as may have been conferred on him by the transferor before the date of transfer.
- (2) Where a person such as is described in subsection (1) was, immediately before the date of transfer, in the part-time employment of [^{F1} a district council], that subsection shall not have effect in relation to him unless, if the transferee so requires, he agrees to accept employment as a whole-time officer of the transferee upon terms and conditions on the whole not less favourable than the terms and conditions (including the benefit of any increases or further increases such as are described in subsection (1)) that might reasonably be expected to have applied to his employment by the transferor immediately before the date of transfer if he had then been in the whole-time employment of the transferor.
- (3) Every person who was employed as a whole-time officer of the transferor immediately before the date of transfer and who by reason or in consequence of the transfer of functions to which section 34 applies suffers any direct pecuniary loss by the termination of his appointment and for whose compensation for that loss provision is not made by any other transferred provision for the time being in force, shall be entitled to compensation under this section for that loss, and such compensation shall be payable by the Ministry.

Changes to legislation: There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965, Section 35. (See end of Document for details)

- (4) Where a person who immediately, before the date of transfer—
- (a) held a part time office under the transferor, and also
 - (b) held one or more than one office under any other local or public body,
- and who devoted the whole of his time to the duties of such offices, suffers—
- (i) any direct pecuniary loss by the termination of his appointment under the transferor, or
 - (ii) any diminution of his emoluments by reason of his accepting employment as a whole-time officer of the transferee,
- then, if provision is not made by any other transferred provision for the time being in force for his compensation for that loss, he shall be entitled to compensation under this section for that loss, and such compensation shall be payable by the Ministry.
- (5) The Ministry shall by regulations make provision for the payment of compensation under this section and such regulations may include provision as to the manner in which and the person to whom any claim for such compensation is to be made, and for the determination of all questions arising under the regulations.
- (6) If a person receiving compensation under this section—
- (a) where the compensation is payable under subsection (3), obtains any office under any local or public body; or
 - (b) where the compensation is payable under subsection (4)—
 - (i) obtains any whole-time office under any local or public body, or
 - (ii) obtains any office under any local or public body in addition to or substitution for any office held by him under such a body at the date at which compensation was assessed, or
 - (iii) receives any increase in the remuneration of any such office held by him at the date at which the compensation was assessed,
- he shall not, so long as he holds that office or receives that increased remuneration, be entitled to receive by way of such compensation in respect of the office or offices for which compensation was awarded any greater sum than would make up the amount, if any, by which the remuneration or, as the case may be, the additional remuneration which he is receiving in respect of all such offices falls short of the remuneration of the office or offices in respect of which compensation was awarded; but the Ministry may, on the application of the person concerned, direct that the operation of the foregoing provisions of this subsection in relation to that person shall be modified so far as is in the opinion of the Ministry necessary in order equitably to meet the circumstances of the case.
- (7) In this section—
- (a) the expressions “date of transfer”, “transfer”, “transferor” and “transferee” have the same meanings as in Schedule 6;
 - (b) “officer” includes a servant.

Changes to legislation:

There are currently no known outstanding effects for the New Towns Act (Northern Ireland) 1965, Section 35.