



Local Government Act (Northern Ireland) 1972

1972 CHAPTER 9

PART IX

ABOLITION OF EXISTING LOCAL AUTHORITIES AND TRANSITIONAL PROVISIONS

135 Transfer of officers

- (1) An order under section 134 may make provision for the transfer of any person who is, on such date before [^{F1} 1st October 1973] as may be specified in relation to him in the order, the holder of any place, situation or employment and who is affected by any provision of, or of any instrument made under, this Part or any other transferred provision such as is mentioned in subsection (1) of that section, and shall contain provisions for the protection of the interests of every person with respect to whose transfer such a provision is made.
- (2) In the case of any person who immediately before [^{F1} 1st October 1973] is in the employment of one or more than one existing local authority and for whose transfer no provision is made by any other statutory provision, an order under section 134 shall make such provision as is necessary to ensure that, to the extent (if any) to which, by reason only of the provisions of this Part, or any such other transferred provision as aforesaid, that person, apart from the order, would cease on [^{F1} 1st October 1973] to be employed by one or more than one such authority, that person is transferred on [^{F1} 1st October 1973] to the employment of such other authority or authorities as are specified in or determined under the order.
- (3) The provision required to be made under subsection (1) or (2) shall include such provision with respect to any person who is transferred under this Part as to secure that—
 - (a) so long as he continues in the employment of the other authority or authorities by virtue of the transfer and until he is served with a statement in writing of his new terms and conditions of employment, he enjoys terms and conditions

Changes to legislation: *Local Government Act (Northern Ireland) 1972, Section 135 is up to date with all changes known to be in force on or before 05 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

of employment (including conditions as to superannuation benefits) not less favourable than those he enjoyed immediately before 17th November 1971; and

- (b) the said new terms and conditions are such that—
 - (i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of the transfer, the scale of his remuneration; and
 - (ii) the other terms and conditions of his employment;
 are taken as a whole not less favourable than those he enjoyed immediately before 17th November 1971.

- (4) Where, in relation to a person to whom subsection (1) or (2) applies, the terms and conditions of his employment (including conditions as to superannuation benefits) were, before 17th November 1971 but not earlier than 1st October 1971, varied in any respect and the Ministry concerned considers that, in all the circumstances, the variation was not justified, that Ministry may direct that the variation shall be wholly or partially omitted from the terms and conditions on which he becomes employed by the other authority or authorities; and subsection (3) shall have effect in relation to him as if so much of the variation as is specified in the direction had not been included in the terms and conditions of his employment immediately before 17th November 1971.
- (5) Where, in relation to a person to whom subsection (1) or (2) applies, the terms and conditions of his employment (including conditions as to superannuation benefits) are on or after 17th November 1971 varied in any respect, the Ministry concerned may direct that the variation shall be wholly or partially included among the terms and conditions on which he becomes employed by the other authority or authorities; and subsection (3) shall have effect in relation to him as if so much of the variation as is specified in the direction had been included in the terms and conditions of his employment immediately before 17th November 1971.

Subs.(6) rep. by 1996 NI 16

- (7) Where a person enters the employment of an existing local authority on or after 17th November 1971 but before [^{F1} 1st October 1973], subsections (3) and (5) shall have effect as if for any reference to terms and conditions of employment enjoyed immediately before 17th November 1971 there were substituted a reference to terms and conditions of employment enjoyed immediately after entering that employment.
- (8) In subsections (3) and (5) “terms and conditions of employment” includes any restriction under a statutory provision on the termination of the employment of any person.
- (9) The foregoing provisions of this section shall have effect with respect to a person who is employed by a new town commission for the purpose of development functions as if for any reference in those provisions to [^{F1} 1st October 1973] there were substituted a reference to the day on which the new town commission are, by virtue of an order under section 131(3)(b), to be dissolved.

Subs.(10) rep. by 1973 NI 10

- (11) For the purposes of this section, where a variation which is made in terms and conditions of employment on one date is expressed to take effect from another date, the terms and conditions shall be treated as varied on the first-mentioned date.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1)(ea) inserted by [2022 c. 37 Sch. 5 para. 3](#)
- s. 10(1) s. 10 renumbered as s. 10(1) by [2022 c. 37 Sch. 10 para. 3\(3\)\(a\)](#)
- s. 10(1)(a) words inserted by [2022 c. 37 Sch. 10 para. 3\(3\)\(b\)](#)
- s. 10(2) inserted by [2022 c. 37 Sch. 10 para. 3\(3\)\(c\)](#)
- Sch. 8 para. 1 repealed by [2010 c. 23 Sch. 2](#) (Amendment could not be applied - affected provision (Sch. 8) not available on [legislation.gov.uk](#))
- Sch. 8 para. 3 repealed by [2010 c. 23 Sch. 2](#) (Amendment could not be applied - affected provision (Sch. 8) not available on [legislation.gov.uk](#))