



# Local Government Act 1972

## 1972 CHAPTER 70

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **259 Compensation for loss of office.**

(1) The appropriate Minister shall by regulations provide for the payment by such body or such Minister as may be prescribed by or determined under the regulations of compensation to or in respect of persons who are, or who but for any such service by them as may be so prescribed would be, the holders of any such office or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to any provision of this Act or of any instrument made under this Act.

(2) Regulations under this section may—

- (a) include provision as to the manner in which and the person to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations,
- (b) make different provision for different classes of persons and for other different circumstances and make or authorise the appropriate Minister to make exceptions and conditions,
- (c) be framed so as to have effect from a date earlier than the making of the regulations,

but so that regulations having effect from a date earlier than the date of their making shall not place any individual in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date of their making.

[<sup>F1</sup>(3) Without prejudice to subsection (1) above, regulations under this section may make provision in relation to persons who suffer loss of employment or loss or diminution of emoluments which is attributable to—

*Changes to legislation: Local Government Act 1972, Section 259 is up to date with all changes known to be in force on or before 25 April 2024. 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*

- (a) the provisions of any such order as is referred to in section 326(1) of the <sup>M1</sup>Public Health Act 1936;
- (b) an existing local authority ceasing, as respects the whole or any part of their area, to be a [<sup>F2</sup>food authority within the meaning of the Food Safety Act 1990];
- <sup>F3</sup>(c) [ any transfer or relinquishment of functions under any of the provisions of the Public Health Act <sup>M2</sup>1936—

[<sup>F4</sup>which are incorporated or reproduced in the Slaughterhouses Act 1974 or the Food Safety Act 1990];]

- (d) the provisions of an order under section 46 of the <sup>M3</sup>Children and Young Persons Act 1969;

and, without prejudice to the repeal of any enactment by this Act, regulations making provision for any of the cases specified in paragraphs (a) to (d) above may provide that the provisions, as to compensation made for that case by section 326 of the <sup>M4</sup>Public Health Act 1936, <sup>F5</sup>. . . or, as the case may be, paragraph 2 of Schedule 3 to the <sup>M5</sup>Children and Young Persons Act 1969 shall not apply in relation to persons to whom the provisions of the regulations apply.]

- (4) Without prejudice to subsection (1) above, regulations under this section may make provision in relation to persons who are or, but for any such service by them as may be prescribed, would be employees of any such association of local authorities or of committees of local authorities as may be prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to the reorganisation of local government effected by this Act; and, without prejudice to subsection (2) above, regulations under this section making any such provision may provide that any compensation paid under the regulations by the appropriate Minister shall be recoverable by him in accordance with the regulations from such association or other body as may be prescribed by or determined under the regulations.

- (5) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** S. 259(3) substituted by [Local Government Act 1974 \(c. 7\), s. 39](#)
- F2** Words substituted by virtue of [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), s. 59\(1\), Sch. 3 para. 17\(a\)](#) (with s. 54)
- F3** S. 259(3)(c) substituted by [Food Act 1984 \(c. 30, SIF 53:1\), s. 134\(a\), Sch. 10 para. 23\(b\)](#)
- F4** Words substituted for sub-paras. (i) and (ii) by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), s. 59\(1\), Sch. 3 para. 17\(b\)](#) (with s. 54)
- F5** Words repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\), s. 59\(1\), Sch. 3 para. 17\(c\)](#) (with s. 54)

#### Marginal Citations

- M1** 1936 c. 49.
- M2** 1936 c.49(100:1).
- M3** 1969 c. 54.
- M4** 1936 c. 49.
- M5** 1969 c. 54.

**Changes to legislation:**

Local Government Act 1972, Section 259 is up to date with all changes known to be in force on or before 25 April 2024. 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.

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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. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)