



# National Health Service Reorganisation Act 1973

## 1973 CHAPTER 32

### PART II

#### ABOLITION OF CERTAIN AUTHORITIES AND TRANSFER OF PROPERTY, STAFF AND ENDOWMENTS ETC.

##### *Transfer of staff*

#### **19 Provisions supplementary to s. 18**

- (1) Without prejudice to the duty imposed on the Secretary of State by subsection (2) of the preceding section, it shall be the duty of the Secretary of State, before he makes an order in pursuance of that section or the following subsection, to consult with respect to the order such bodies as he may recognise as representing persons who in his opinion are likely to be transferred or affected by transfers in pursuance of the order.
- (2) It shall be the duty of the Secretary of State by order to make provision for securing, in the case of a person transferred to the employment of any body by virtue of the preceding section.—
  - (a) that, while he is in the employment of that body and has not been served with a notice in writing stating that it is served for the purposes of this subsection and specifying such new terms and conditions of employment as are mentioned in the following paragraph, the scale of his remuneration and, taken as a whole, the other terms and conditions of his employment by that body are not less favourable to him than were immediately before the transfer those of the employment from which the transfer was made;
  - (b) that any new terms and conditions determined by that body for his employment by that body are such that—
    - (i) so long as he is engaged in duties reasonably comparable to the duties in which immediately before the transfer he was engaged in the employment from which the transfer was made, the scale of his

---

*Status: This is the original version (as it was originally enacted).*

---

remuneration and, taken as a whole, the other terms and conditions of his employment by that body are not less favourable to him than were, immediately before the transfer, those of the employment from which the transfer was made, and

(ii) so long as he is engaged in duties not so comparable, the terms and conditions of his employment by that body (excluding terms as to remuneration) are, taken as a whole, not less favourable than as mentioned in the preceding sub-paragraph ;

(c) that for the purposes of any enactment specified in the order the employments from which and to which he was transferred by virtue of the preceding section are treated as one continuous employment;

and an order made in pursuance of this subsection may contain provision for the determination of questions arising with respect to the effect in relation to any person of provision made by virtue of paragraphs (a) to (c) of this subsection.

(3) An order or scheme made by virtue of any provision of the preceding section except subsection (4)(a) may include provision for securing that, in determining whether a person was at a particular time employed by an authority wholly or mainly for the purposes of functions of the authority of a particular kind mentioned in that section, any functions of that authority which are of a different kind so mentioned and for the purposes of which the person was at that time also employed by the authority may be treated as functions of the particular kind in question; and it is hereby declared that, in determining in pursuance of the preceding section whether a person was at any time employed by an authority wholly or mainly for the purposes of functions of the authority, any employment of his at that time which was not employment by the authority is to be disregarded.

(4) An order made by virtue of the preceding section may include provision—

(a) for the determination of any question arising in connection with the order as to whether a person is or was employed in a particular capacity or wholly or mainly for particular purposes ;

(b) for enabling any person who objects, on such grounds as may be specified in the order, to his transfer in pursuance of the order or a scheme made by virtue of the order to make in respect of the transfer representations to whichever of the two Commissions appointed in pursuance of the following section is appropriate in his case, and for requiring the Commission to advise the person who made the order or scheme or, if that person has ceased to exist, to advise the Secretary of State on whether it would be appropriate in consequence of the representations to amend the order or scheme before the day when transfers take effect in pursuance of it or to transfer a person on or after that day from the employment to which he is transferred in pursuance of the order or scheme;

(c) for the transfer of a person in consequence of such representations—

(i) from the employment of a new health authority to the employment of a different new health authority or, except where the person in question was transferred in pursuance of the order or scheme from the employment of an old health authority, to the employment of an authority established by or under the Local Government Act 1972 or a London authority, or

(ii) from the employment of a body to which the person in question was transferred by virtue of paragraph (a) of subsection (4) of the

preceding section to the employment of a different body which is such a local authority as is mentioned in that paragraph;  
and in this subsection " old health authority " and " new health authority " have the same meanings as in the preceding section and " London authority " means the Greater London Council, a London borough council and the Common Council of the City of London.