



Local Government Act 1985

1985 CHAPTER 51

PART VI

STAFF

50 Functions of staff commission

- (1) As respects any time after the passing of this Act the functions of the staff commission established under section 4 of the Local Government (Interim Provisions) Act 1984 shall be those stated in subsection (2) below, and that subsection and subsection (3) below shall have effect instead of subsections (1)(a) and (b) and (4) of that section.
- (2) The functions of the commission shall be—
 - (a) to advise the Secretary of State on the steps necessary to safeguard the interests of the staff employed by relevant authorities so far as affected by any provision made by or under this Act;
 - (b) to consider and keep under review—
 - (i) the arrangements for the recruitment of staff by those authorities; and
 - (ii) the arrangements for any transfer of the staff of those authorities in consequence of any such provision ; and
 - (c) to consider such staffing problems arising in consequence of, and such other matters relating to staff of any body affected by, any such provision as may be referred to the commission by the Secretary of State.
- (3) For the purposes of subsection (2) above and of subsections (2) and (3) of the said section 4 (directions and expenses) the relevant authorities shall be the Greater London Council, London borough councils, the Common Council, metropolitan county councils, metropolitan district councils, the authorities established by Parts III and IV of this Act (in this Act referred to as " new authorities "), the residuary bodies established under Part VII of this Act and any other body to which functions or property of the Greater London Council or a metropolitan county council will be or have been transferred by or under this Act or any other enactment.

51 Remuneration of employees

- (1) For the purposes of this section the Secretary of State may, after consulting such bodies representative of relevant authorities as appear to him to be concerned, either—
 - (a) designate any existing body appearing to him to be appropriate to consider any increase made or proposed to be made by a relevant authority in the remuneration of any of its employees; or
 - (b) establish a new body to consider any such increase as aforesaid.
- (2) For the purpose of enabling the body designated or established under subsection (1) above ("the advisory body") to carry out its functions under this section, that body shall consult and seek information from relevant authorities and, if requested to do so by that body, the Secretary of State may give a direction to any such authority requiring it to furnish the advisory body with such information as may be specified in the direction relating to the remuneration and other terms and conditions of employment of such employees of that authority as may be so specified.
- (3) If it appears to the advisory body—
 - (a) that a relevant authority has fixed or proposes to fix for any employee or class of employees of the authority a rate of remuneration which, having regard to any recommended levels of remuneration formulated on a national basis by representatives of local authorities and employees of local authorities, is greater than that which the advisory body considers appropriate for that employee or class of employees; and
 - (b) if that authority is the council of a metropolitan district or London borough or the Common Council, that the rate of remuneration is attributable to the abolition of the Greater London Council or a metropolitan county council,it shall notify the authority concerned and recommend to it the rate of remuneration which should be paid to the employee or class of employees concerned.
- (4) If it appears to the advisory body that a relevant authority to which they have made a recommendation under subsection (3) above is not complying with the recommendation they may refer the matter to the Secretary of State and on such a reference the Secretary of State may give a direction to the authority requiring it, with effect from such date as may be specified in the direction, to pay such employee or class of employees of the authority as was the subject of the recommendation and as may be so specified remuneration at the rate recommended by the advisory body under subsection (3) above and specified in the direction.
- (5) Before referring any matter to the Secretary of State under subsection (4) above the advisory body shall give notice in writing to the authority concerned of their intention to make the reference; and no direction shall be given by the Secretary of State on any such reference—
 - (a) except after consulting with such persons appearing to him to be representative of local authorities and of employees of local authorities as he considers appropriate in relation to the employee or class of employees concerned; or
 - (b) so as to take effect from a date earlier than that on which notice of the advisory body's intention to make the reference was given under this subsection.
- (6) It shall be the duty of a relevant authority to which a direction is given under subsection (2) or (4) above to comply with the direction.

- (7) If at any time in the period of three months beginning with the abolition date it appears to the advisory body that the remuneration paid at any time before that date to any employee or class of employees of the Greater London Council or a metropolitan county council, was such that, if that council had not ceased to exist, the advisory body—
- (a) would have made a recommendation to the council under subsection (3) above ; or
 - (b) having made such a recommendation before that date, would have referred the matter to the Secretary of State under subsection (4) above,
- they shall notify the Secretary of State and report to him the rate of remuneration which in their opinion should have been paid to the employee or class of employees concerned immediately before the abolition date or such earlier date as may be specified in the report, being the date on which the employee or employees ceased to be employed by the council concerned.
- (8) On receiving a report under subsection (7) above the Secretary of State may, after such consultation as is specified in subsection (5) (a) above, by order provide that for the purpose of determining—
- (a) the terms of any contract affected by section 52 below; and
 - (b) any compensation payable in accordance with section 53(2) or (3) below,
- the employee or class of employees to whom the report relates and who are specified in the order shall be deemed to have been receiving immediately before the abolition date (or such earlier date as may be specified in the report) remuneration at the rate stated in the report and specified in the order but no such order shall affect remuneration payable in respect of service before the date on which the order is made or compensation paid or payable before that date.
- (9) Nothing in this section shall apply to the remuneration payable to teachers by a local education authority; and this section shall not empower the Secretary of State—
- (a) to give a direction requiring a relevant authority to pay an employee remuneration at a rate below that to which he was entitled on 1st March 1984; or
 - (b) to make an order specifying a rate of remuneration in respect of an employee below that to which he was entitled on that date.
- (10) No direction shall be given or order made under this section after the end of the period of six months beginning with the abolition date ; and no direction shall apply to the remuneration payable by the council of a metropolitan district or London borough or the Common Council after the end of that period.
- (11) The relevant authorities for the purposes of this section are the Greater London Council, the councils of metropolitan counties, metropolitan districts and London boroughs and the Common Council.

52 Power to transfer staff

- (1) This section applies to any person who—
- (a) immediately before the abolition date is in the service of the Greater London Council or a metropolitan county council (in this section referred to as his " employing council") under a contract of employment which would have continued but for the abolition of that council; and

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

- (b) is designated for the purposes of this section by an order made by the Secretary of State.
- (2) The contract of employment between a person to whom this section applies and his employing council shall not be terminated by the abolition of that council but shall have effect from the abolition date as if originally made between him and such successor authority (" the new employer ") as may be specified in relation to that person by the order designating him for the purposes of this section.
- (3) Without prejudice to subsection (2) above—
 - (a) all the employing council's rights, powers, duties and liabilities under or in connection with a contract to which that subsection applies shall by virtue of this section be transferred on the abolition date to the new employer; and
 - (b) anything done before the abolition date by or in relation to the employing council in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the new employer.
- (4) Subsections (2) and (3) above are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions but no such right shall arise by reason only of the change of employer effected by this section.
- (5) An order under this section may designate a person either individually or as a member of a class or description of employees.
- (6) In this section " successor authority " means a London borough council, the Common Council, a metropolitan district council, a new authority and any other body to which functions or property of the Greater London Council or a metropolitan county council are transferred by or under this Act or any other enactment.

53 Compensation for loss of office or diminution of emoluments

- (1) This section applies to any person who at any time after the passing of this Act is in the service of—
 - (a) the Greater London Council or the council of a metropolitan county, metropolitan district or London borough or the Common Council; or
 - (b) a new authority or a residuary body,
 and suffers loss of employment or loss or diminution of emoluments which is attributable to any provision made by or under this Act.
- (2) Compensation in respect of any such loss or diminution suffered by a person to whom this section applies shall, subject to subsection (3) below, be paid only in accordance with regulations made for the purposes of this section under section 24 of the Superannuation Act 1972; and accordingly none of the councils, authorities or bodies mentioned in subsection (1) above shall pay any such compensation under any other statutory provision, by virtue of any provision in a contract or otherwise.
- (3) Subsection (2) above shall not preclude the making of any payment to which a person is entitled by virtue of contractual rights acquired by him before 2nd March 1984.
- (4) Regulations under the said section 24 shall not provide compensation for a person to whom this section applies in respect of any such loss or diminution as is mentioned in subsection (1) above so far as attributable to the termination on or before the abolition

date of a contract made after 1st March 1984 which provides for the employment of that person for a fixed term extending beyond the abolition date.

(5) For the purpose of determining under section 82(5) or (6) or 84(3) of the Employment Protection (Consolidation) Act 1978—

- (a) whether the provisions of a new contract offered to a person employed by any such council, authority or body as is mentioned in subsection (1) above differ from the corresponding provisions of his previous contract; and
- (b) whether employment under the new contract is suitable in relation to that person,

there shall be treated as forming part of the remuneration payable under the new contract any compensation to which that person is or, if he accepted the offer, would be entitled in accordance with this section.

(6) Except as provided in subsection (5) above nothing in this section shall be construed as affecting any entitlement to a redundancy payment under Part VI of the said Act of 1978 or to any payment by virtue of any provision of the Superannuation Act 1972 other than the said section 24.

54 Continuity of employment in certain cases of voluntary transfer

(1) This section applies to a person who at any time after the passing of this Act ceases to be employed by a relevant authority (his "former employer") if—

- (a) the termination of his employment is attributable to any provision made by or under this Act;
- (b) he is subsequently employed by another person (his "new employer"); and
- (c) by virtue of section 84, 94 or 95 of the Employment Protection (Consolidation) Act 1978 (renewal or reengagement) that subsequent employment precludes his receiving any redundancy payment under Part VI of that Act.

(2) Where this section applies to a person Schedule 13 to the said Act of 1978 (computation of period of employment for the purposes of that Act) shall have effect in relation to that person as if it included the following provisions, that is to say—

- (a) the period of employment of that person with his former employer shall count as a period of employment with his new employer; and
- (b) the change of employer shall not break the continuity of the period of employment.

(3) Where this section applies to a person the period of his employment with his former employer shall count as a period of employment with his new employer for the purposes of any provision of his contract of employment with his new employer which depends on his length of service with that employer.

(4) The relevant authorities for the purposes of this section are the same as those for the purposes specified in section 50(3) above.

55 Offers of employment by successor authorities

(1) Each successor authority shall as soon as may be after the passing of this Act or, in the case of a new authority, after it is established, and in any event before the abolition date consider what additional staff (if any) it will require for the purpose of—

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

- (a) discharging any functions which by virtue of any provision made by or under this Act will become functions of that authority or will become exercisable by it alone instead of concurrently with the Greater London Council or a metropolitan county council; or
 - (b) discharging its responsibilities in respect of any property transferred to it by virtue of any such provision.
- (2) If a successor authority proposes to engage a person who is currently in the employment of the Greater London Council or a metropolitan county council it shall, if reasonably practicable, enter into, or offer to enter into, a contract of employment with him such that his employment by the authority will or would take effect either immediately on the ending of his employment by that council or after an interval of not more than four weeks thereafter.
- (3) If a successor authority enters into a contract of employment with a person who has received or is entitled to receive a redundancy payment under Part VI of the Employment Protection (Consolidation) Act 1978—
 - (a) by reason of his dismissal at any time after the passing of this Act by the Greater London Council or a metropolitan county council; or
 - (b) by virtue of section 59(1) below,the authority shall, if the Secretary of State so directs, pay to the appropriate residuary body an amount equal to that payment.
- (4) The Secretary of State shall not give a direction under subsection (3) above in respect of the employment of any person by a successor authority if the authority satisfies him—
 - (a) that it could not reasonably have made that person an offer of employment on the terms and conditions of the contract mentioned in that subsection which, if accepted by him, would have precluded his entitlement to the redundancy payment; or
 - (b) that the authority has made such an offer but that the person concerned acted reasonably in refusing it or that he could reasonably have refused such an offer if it had been made by the authority.
- (5) In any case in which an amount is payable by a successor authority under subsection (3) above there shall also be payable by it to the appropriate residuary body an amount equal to any compensation under the regulations referred to in section 53(2) above which has been paid or is payable to the person concerned before the time when he enters into the contract.
- (6) A former member of a successor authority shall not be disqualified by virtue of section 116 of the principal Act for being appointed by that authority to a paid office if—
 - (a) he is, or at any time between the passing of this Act and the abolition date has been, in the employment of the Greater London Council or a metropolitan county council; and
 - (b) he is appointed not later than twelve months after that date and with the consent of the Secretary of State.
- (7) For the purposes of subsection (2) above employment ending on a Friday or a Saturday shall be treated as ending immediately before the following Monday and the interval of four weeks shall be calculated as if any such employment had ended at that time.

- (8) In this section " successor authority " means a London borough council, the Common Council, a metropolitan district council and a new authority.

56 Information as to local government manpower

- (1) The Secretary of State shall make regulations requiring London borough councils, metropolitan district councils and the Common Council to furnish him with such information as is specified in the regulations with respect to—
- (a) the number of persons from time to time employed by those councils respectively in the period beginning with 22nd November 1984 and ending three years after the abolition date; and
 - (b) the purposes for which those persons are employed.
- (2) Regulations under this section may—
- (a) require the information to which they relate to be furnished at such times and in such form as is specified in the regulations;
 - (b) make different provision for different councils; and
 - (c) apply either to all the persons employed by a council or to any class or description of such persons.
- (3) The Secretary of State shall lay before Parliament any information furnished to him in pursuance of regulations made under this section.