



# Local Government etc. (Scotland) Act 1994

## 1994 CHAPTER 39

### PART I

#### LOCAL GOVERNMENT REORGANISATION

#### CHAPTER 2

#### STAFF

#### 14 Employment by new authorities

- (1) If a new authority enter 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—
    - (i) after the passing of this Act by a regional or district council; or
    - (ii) after the passing of this Act and before 1st April 1996 by a joint committee or a joint board; or
  - (b) by reason of his having been employed, immediately before 1st April 1996, by such a council, committee or board under a contract of employment which would have continued but for the abolition of such councils, committees or boards on that date and who is not transferred to a new authority by virtue of an order under section 8 of this Act,
- the authority shall, if the Secretary of State so directs, pay to him, or to such person as he may direct, an amount equal to the redundancy payment.
- (2) The Secretary of State shall not give a direction under subsection (1) above in respect of the employment of any person by a new authority if the authority satisfy him—
- (a) that they could not reasonably have made that person an offer of employment on the terms and conditions of the contract first mentioned in that subsection

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*Status: This is the original version (as it was originally enacted).*

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- which, if accepted by him, would have precluded his entitlement to the redundancy payment; or
- (b) that the authority made such an offer but that the person concerned acted reasonably in refusing it; or
  - (c) that he could reasonably have refused such an offer if it had been made by the authority.
- (3) In any case in which an amount is payable by a new authority under subsection (1) above there shall also be payable by them to the Secretary of State or to such person as he may direct an amount equal to any compensation under the regulations referred to in section 13(2) of this Act which has been paid or is payable to the person concerned before the time when he enters into the contract.
- (4) In this section “new authority” means any of the authorities constituted under section 2 of this Act and a joint board.