



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART I

LOCAL GOVERNMENT REORGANISATION

CHAPTER 2

STAFF

8 Transfer of employees.

- (1) Subject to the provisions of this section, the Secretary of State may by order make provision with respect to—
 - (a) the transfer of employees from an existing local authority to a new authority with effect from 1st April 1996; and
 - (b) any matters arising out of or related to such transfer.
- (2) An order under this section may, without prejudice to the generality of subsection (1) (a) above—
 - (a) make provision as to the new authority to which groups of employees, or particular employees, are to be transferred;
 - (b) prescribe a general rule or rules by which the transfer of employees, or of specified groups of employees, can be determined.
- (3) Each regional and district council shall, in accordance with the provisions of an order made under this section, prepare a scheme in relation to the transfer under or by virtue of this Act of their employees.
- (4) No scheme under subsection (3) above shall be made without the consent of the new authority or authorities, or of the new water and sewerage authority or authorities

Status: Point in time view as at 06/04/1995. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 8. (See end of Document for details)

(within the meaning of Part II of this Act), to whom the employees concerned are to be transferred or, failing such consent, without the consent of the Secretary of State.

- (5) The Secretary of State shall by order under this section provide for the transfer of all fire and police personnel employed by an existing local authority for the purposes of a fire brigade or police force to the new authority which will, after 1st April 1996, have responsibility as respects that brigade or force.
- (6) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—

“existing local authority” includes a joint committee and a joint board but does not, subject to any other provision of this Act, include an islands authority;

“fire personnel” means any persons employed by an existing local authority for the sole purpose of assisting a fire brigade maintained by that authority;

“new authority” means any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands or Western Isles), a residuary body and a joint board; and

“police personnel” means any persons employed by virtue of section 9 of the ^{M1}Police (Scotland) Act 1967 (employees other than constables).

Marginal Citations

M1 1967 c. 77.

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