



# Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

## PART XII

### GENERAL

*General provisions as to transfer, compensation and superannuation rights of officers*

#### **326 Provisions as to the transfer and compensation of officers and superannuation rights of transferred officers.**

- (1) The provisions of this section shall apply in relation to any order or agreement made under this Act, or any order made by virtue of this Act under section three hundred and three of the <sup>M1</sup>Public Health Act 1875, [<sup>F1</sup>or any order under section 2 of the Public Health (Control of Disease) Act 1984,] being an order or agreement by, under or in consequence of which an authority is constituted or dissolved, or any functions of an authority are relinquished, delegated, transferred or re-transferred, or exercised by two, or more authorities in combination, or the services of any staff of one authority are rendered available to another authority.
- (2) The provisions of section one hundred and fifty of, and the Fourth Schedule to, the <sup>M2</sup>Local Government Act 1933, (which relate to the transfer and compensation of officers of a local authority affected by an order made under Part VI of that Act) shall have effect in relation to any such order as is mentioned in subsection (1) of this section as they have effect in relation to an order made under the said Part VI, and where, by virtue or in consequence of any such order as is mentioned in subsection (1) of this section, officers of one authority who are entitled as such to the benefits of a superannuation enactment will be transferred to the service of another authority, there shall be included in the order such provisions as are hereinafter mentioned for the purpose of protecting the rights and interests of those officers in respect of superannuation.
- (3) The provisions with respect to superannuation to be included in any such order as aforesaid shall be either—

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- (a) provisions for securing that the superannuation enactment to the benefits of which an officer was entitled immediately before his transfer shall continue to apply to him, subject to such modifications and adaptations as the Minister may determine; or
- (b) provisions for applying to the officer, subject to such modifications and adaptations as the Minister may determine, any superannuation enactment to the benefits of which any officers of the authority to whom the officer is transferred are entitled.
- (4) The Minister, on the application of any officer or authority affected by any such agreement as is mentioned in subsection (1) of this section, shall make a scheme containing such provisions for the protection and compensation of existing officers effected by the agreement as are specified in paragraphs (a) and (b) of subsection (1) of section one hundred and fifty of the <sup>M3</sup>Local Government Act 1933, and such provisions, if any, as he deems expedient with respect to the transfer of such existing officers, and where, by virtue or in consequence of the agreement, officers of one authority who are entitled as such to the benefits of a superannuation enactment will be transferred to the service of another authority, the scheme shall also contain such provisions for the purpose of protecting the rights and interests of those officers in respect of superannuation as in the case of an order are required by the last preceding subsection to be included in the order.
- (5) A scheme made by the Minister under the last preceding subsection and the agreement to which it relates shall be construed together as if they constituted a single instrument coming into operation on the date on which the agreement comes into operation, and the provisions of subsections (2) to (6) of section one hundred and fifty of, and the Fourth Schedule to, the <sup>M4</sup>Local Government Act 1933, shall have effect in relation thereto as they have effect in relation to a scheme made under Part VI of the said Act.
- (6) In this section the expression “authority” means a county council, local authority, joint board, <sup>F2</sup> . . . port health authority or riparian authority within the meaning of section two of this Act, and, for the purposes of this section, any reference in the relevant provisions of the <sup>M5</sup>Local Government Act 1933, to a local authority shall be construed as a reference to an authority as herein defined.

In this section the expression “superannuation enactment” means an enactment, including a scheme made thereunder, by virtue of which persons employed by an authority become entitled to superannuation benefits on retirement.

#### Textual Amendments

- F1** Words inserted by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 77, **Sch. 2 para. 3**
- F2** Words in s. 326(6) repealed (8.11.1995) by [1995 c. 44, s. 1](#), **Sch. 1 Pt. VI**

#### Modifications etc. (not altering text)

- C1** Power to exclude s. 326 conferred by [Local Government Act 1972 \(c. 70\)](#), **s. 259(3)**
- C2** S. 326 applied by [Housing Act 1985 \(c. 68, SIF 61\)](#), **s. 410(2)**

#### Marginal Citations

- M1** [1875 c. 55](#).
- M2** [1933 c. 51](#).
- M3** [1933 c. 51](#).

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**M4** 1933 c. 51.

**M5** 1933 c. 51.

### **327 Provisions for compensation in certain cases to officers of trustees, &c. executing local Acts.**

- (1) If, by virtue or in consequence of a provisional order [<sup>F3</sup>or order] made by the Minister under or by virtue of any provision of this Act [<sup>F4</sup>or section 2 of the Public Health (Control of Disease) Act 1984], an officer of any trustees or other body of persons entrusted with the execution of a local Act suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments and no other provision for his compensation for that loss is made by any enactment or statutory order for the time being in force, he shall be entitled to receive compensation for that loss from such local authority as the Minister may determine.
- (2) The provisions of subsections (2) to (6) of section one hundred and fifty of, and the Fourth Schedule to, the <sup>M6</sup>Local Government Act 1933, shall apply to the case of any such officer as aforesaid as if the provisional order [<sup>F3</sup>or order] of the Minister were an order made under Part VI of the said Act and as if subsection (1) of this section were contained in the said order.

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#### **Textual Amendments**

**F3** Words inserted by [S.I. 1949/2393](#) (1949I, p. 3973), art. 3, Sch. 2

**F4** Words inserted by [Public Health \(Control of Disease\) Act 1984](#) (c. 22, SIF 100:1), s. 78, **Sch. 2 para. 4**

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#### **Marginal Citations**

**M6** 1933 c. 51.

**Changes to legislation:**

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