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STATUTORY INSTRUMENTS

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**1976 No. 246**

**The Local Government Area Changes Regulations 1976**

**Transfer of officers**

**70.**—(1) Every officer allocated by any scheme made under regulation 67 or 68 or under any provision of the order for transfer to any authority shall, to the extent of the allocation, be transferred to the employment of that authority.

- (a) (2) (a) Any other officer of the council of a county, district or London borough or of the Greater London Council or the Common Council employed in the discharge of functions which will after the appointed day be exercisable in an area transferred by the order by another such council, and

(i) being so employed wholly or mainly in premises which will be transferred by regulation 62 to such other council; or

(ii) operating wholly or mainly from such premises; or

(iii) being otherwise so employed wholly or substantially so in relation to the area transferred,

shall on the appointed day be transferred to the employment of such other council.

Sub-paragraphs (b) to (d) shall have effect in the application of this sub-paragraph.

- (b) Where on the appointed day any officer has not taken up the duties of his employment he shall be deemed to be employed in, or to be operating from, the premises in which he would be employed or from which he would be operating if he had taken up such duties.

- (c) Where any officer is on the appointed day absent from his normal duties for the purposes of undergoing training sub-paragraph (a) shall apply—

(i) if it was part of the arrangements under which he is so absent that at the completion of such training he should be employed in a place, situation or employment different from the place, situation or employment which he occupied prior to the commencement of the training, as if he was, on the appointed day, occupying such different place, situation or employment;

(ii) otherwise as if he was, on the appointed day, occupying the place, situation or employment which he occupied immediately prior to the commencement of such training.

- (d) Where any officer is on the appointed day absent from his normal duties otherwise than for the purpose of undergoing training he shall be deemed to be discharging such duties, and to be discharging them in, or from, the premises in, or from, which he normally discharges them.

(3) Any other officer of a dissolved authority (other than charter trustees) shall be transferred to the employment of the residuary successor of that authority.

(4) Nothing in paragraph (2) or (3) applies to any person described in (i) or (ii) of sub-paragraph (2)(c) of regulation 67 or in paragraph (7) of that regulation.

(5) Subject to paragraph (4), paragraph (2) or (3), in its application to any authority, applies to any officer who immediately before the appointed day is in the employment of the authority, but in

the case of a person not in the whole-time employment of the authority the transfer effected by such paragraph in such application is limited to the extent of his employment with the authority.

(6) Any officer who will be transferred by paragraph (2) or (3) shall be notified by the authority employing him of such transfer not later than one month before the appointed day, and (unless such copy has already been supplied) shall be supplied with a copy of regulations 67 to 79.

- (a) (7) (a) The following questions by an officer of any authority, namely—
- (i) any question of hardship; and
  - (ii) any question whether he is or is not employed in any manner specified in paragraph (2)(a);
- may be determined in accordance with the arrangements applicable to the determination of disputes as to employment and terms and conditions thereof between the officer and the authority.
- (b) Any question described in item (ii) of sub-paragraph (a) shall be raised as soon as may be and in any case not later than the expiration of 2 months (or such longer period as may be agreed by the authority) from the notification under paragraph (6).
- (c) Where any question described in sub-paragraph (a) has been determined before the appointed day in such manner that no transfer of the officer is appropriate the officer shall not be transferred by this regulation.
- (d) Where any such question is so determined in such manner that a transfer of the officer otherwise than in accordance with the provisions of paragraphs (1) to (3) is appropriate the officer shall be transferred on the appointed day in accordance with the determination.
- (e) Where any such question is determined on or after the appointed day in such manner that a transfer or further transfer of the officer is appropriate the officer shall be transferred in accordance with the determination at the expiration of 28 days from the date thereof or such other date as may be agreed by the authorities concerned and the officer.
- (f) Where it is determined that an officer will sustain or has sustained hardship in consequence of his transfer (and sub-paragraph (c), (d) or (e) is not applicable) the authority to whom he will be or has been transferred shall in consultation with the officer and representatives of their employees seek a remedy and, not later than the expiration of one month (or such longer period as may be agreed by the officer) following the notification of the determination, notify the officer of any remedy which they are able to offer him or that they are unable to offer him any remedy but that an allowance would be paid to him in respect of the hardship.
- (g) In either event, the officer shall be informed that he may, subject to sub-paragraph (j), request that his employment be terminated and of his entitlements if it is so terminated.
- (h) Any remedy offered under sub-paragraph (f) may be accepted by the officer within the 2 months following the notification thereof, or within such longer period as may be agreed by the authority.
- (i) An allowance in respect of hardship shall be by periodic payments of such amount as may be determined by agreement between the officer and the authority or failing such agreement in accordance with the arrangements applicable to the determination of disputes as to employment and terms and conditions thereof between them.
- (j) No such request as is described in sub-paragraph (g) shall be made after the expiration of 2 months from the determination of the amount of the periodic payments of the allowance.
- (k) Regulation 77 shall not apply to any officer to whom an allowance is payable under this paragraph.

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- (l) If the remedy offered is, with the agreement of the authority from whose employment the officer was transferred, transfer back to the employment of that authority, and that remedy is accepted by the officer and he is so transferred, paragraph (12) of regulation 71, and regulations 72 to 78, shall cease to apply to him. Otherwise, such provisions shall apply to any officer transferred under sub-paragraph (f) as they apply to officers transferred by this regulation.