
STATUTORY INSTRUMENTS

1976 No. 246

The Local Government Area Changes Regulations 1976

Protection of officers transferred

71.—(1) Every officer transferred by or under regulation 70 to the employment of any body (other than an officer transferred under paragraph (7)(f) of that regulation back to the employment of the authority from whose employment he was transferred) shall, so long as he continues in that employment by virtue of the transfer and until he is served with a statement in writing referring to these regulations and specifying new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those which he enjoyed immediately before the appointed day.

(2) A statement of new terms and conditions of employment shall not be served on any officer in relation to whom a question has been referred under regulation 70(7) until the determination of the question has been notified.

A statement of new terms and conditions of employment shall not be served on any officer to whom sub-paragraphs (f) to (l) of regulation 70(7) apply until the remedy offered under the said sub-paragraph (f) or the allowance there referred to has been accepted by the officer.

(3) Subject to paragraph (2), a statement of new terms and conditions of employment may be served before the appointed day.

(4) Subject to paragraph (2), a statement of new terms and conditions of employment shall be served before the expiry of 12 months after the appointed day.

(5) If after service of a statement of new terms and conditions of employment upon any officer (whether before the appointed day or otherwise) a question is referred under regulation 70(7), the statement shall cease to have effect and paragraphs (1) and (2) shall have effect as if the statement had not been served.

(6) The new terms and conditions of employment shall be such that—

- (a) so long as the officer is engaged in duties reasonably comparable to those in which he was engaged immediately before the appointed day, the scale of his salary or remuneration is not less favourable than that which he enjoyed immediately before the appointed day; and
- (b) the other terms and conditions of his employment are not less favourable than those which he enjoyed immediately before the appointed day.

(7) Where between the appointed day and the service of the statement of new terms and conditions of employment upon any officer the scale of the salary or remuneration which such officer enjoyed immediately before the appointed day is improved, paragraph (6)(a) shall have effect as if the scale as improved has been so enjoyed.

(8) Where the new terms and conditions of employment involve any diminution of the scale of the salary or remuneration of an officer they shall not come into effect until the date, not earlier than the expiration of 3 months from the service of the statement thereof, specified in that statement.

(9) Any question by an officer of any authority—

whether duties are reasonably comparable within the meaning of paragraph (6);

whether the scale of his salary or remuneration is such as is required by paragraphs (6) and (7); or

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

whether the other terms and conditions of his employment are not less favourable than those which he enjoyed immediately before the appointed day,

shall 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.

(10) In this regulation, “terms and conditions of employment” includes any restriction arising under any Act or any instrument made under any Act on the termination of the employment of any officer.

(11) A written statement given in accordance with section 4(1) of the Contracts of Employment Act 1972 shall not be regarded as a statement of new terms and conditions of employment for the purposes of this regulation unless the statement so indicates.

(12) A notice to terminate the contract of employment of any officer transferred by regulation 70, given by reason of the fact that the officer to whom it is given has become redundant in consequence of the order, shall, unless such officer otherwise agrees, not come into operation earlier than the expiration of 3 months from the service thereof.