
STATUTORY INSTRUMENTS

1986 No. 151

**The Local Government Reorganisation
(Compensation) Regulations 1986**

PART I

PRELIMINARY

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Local Government Reorganisation (Compensation) Regulations 1986 and shall come into operation on 28th February 1986.

(2) In these regulations, unless the context otherwise requires—

“the 1978 Act” means the Employment Protection (Consolidation) Act 1978**(1)**;

“the 1985 Act” means the Local Government Act 1985;

“the 1982 regulations” means the Local Government (Compensation for Premature Retirement) Regulations 1982**(2)**;

“the 1984 regulations” means the Local Government (Compensation for Redundancy and Premature Retirement) Regulations 1984;

“the Superannuation regulations” means the Local Government Superannuation Regulations 1974**(3)**;

“compensating authority”, in relation to compensation under these regulations of any kind, means—

(a) the former employer, or

(b) where that body has ceased to exist, the body to whom its liabilities in respect of compensation of that kind payable by it have been transferred by section 60(2) or under section 66(1) or 67 of the 1985 Act;

“compensation period” is to be construed in accordance with regulation 8(2);

“emoluments” is to be construed in accordance with regulation 6;

“former employer” means the body (being a body mentioned in regulation 2) by whom a person was employed under a contract of employment which has been terminated, and “former employment” means his employment under that contract;

“new authority” has the meaning given by section 105(1) of the 1985 Act;

“new employment” means—

(a) in relation to a person dismissed by reason of redundancy, an employment following the former employment which by virtue of section 84, 94 or 95 of the 1978 Act precludes

(1) sections 81, 82, 84 and 94 and Schedules 4 and 6 apply as modified by the Redundancy Payments (Local Government) (Modification) Order 1983 (S.I. 1983/1160, amended by S.I. 1985/1872).

(2) amended by S.I. 1984/740.

(3) relevant amendments were made by S.I. 1985/1515.

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- him (or in the case of a woman to whom section 82(1)(b) of that Act applies, would otherwise have precluded her) from receiving any redundancy payment, and
- (b) in any other case, an employment which would have fallen within (a) above if the person had been dismissed by reason of redundancy,
- and “new employer” is to be construed accordingly;
- “normal retiring age”, in relation to a person's former employment, means—
- (a) the age, if any, at which he could under his contract or any enactment have been compelled to retire, or
- (b) where there is no such age, the age of 65;
- “person” means a person to whom these regulations apply;
- “redundancy payment” means a redundancy payment under Part VI of the 1978 Act;
- “relevant date” means the relevant date as defined by section 90(1) of the 1978 Act or, where a contract of employment is terminated by the abolition of the Greater London Council or a metropolitan country council, 31st March 1986;
- “relevant local government service” has the meaning given in paragraph 1(b) of Schedule 2 to the Redundancy Payments (Local Government) (Modification) Order 1983; and
- “residuary body” means a body established by section 57 of the 1985 Act.

Purposes and application

2. These regulations are made for the purposes of section 53 of the 1985 Act and apply to any person who at any time after 15th July 1985 is in the service of—
- (a) the Greater London Council or the council of a metropolitan county, metropolitan district or London borough or the Common Council, or
- (b) a new authority, an authority in relation to whom that section has effect as if it were a new authority, or a residuary body,

who suffers loss of employment or loss or diminution of emoluments which is attributable to any provision made by or under that Act, and who either did not have or has released any such rights as are mentioned in section 53(3) of the 1985 Act (contractual rights acquired before 2nd March 1984 entitling a person to a compensation payment).