
STATUTORY INSTRUMENTS

1986 No. 399

The Local Government (Magistrates' Courts etc.) Order 1986

PART II

DISSOLUTION OF EXISTING MAGISTRATES' COURTS COMMITTEES

Transfer of staff

4.—(1) Section 52 of the 1985 Act shall have effect as if—

- (a) an existing magistrates' court committee were an employing council within the meaning of subsection (1) of that section;
- (b) the references in that section to the abolition of such a council were references to the dissolution of such a committee; and
- (c) a magistrates' courts committee for an outer London borough were a successor authority within the meaning of subsection (6) of that section and, accordingly, in relation to a person who, immediately before 1st April 1986, is in the service of an existing magistrates' courts committee under a contract of employment which would have continued but for the dissolution of the committee under Article 3 above, “the new employer” of that person for the purposes of subsection (2) of that section.

(2) For the purposes of section 52 of the 1985 Act as it has effect under paragraph (1) above, a person who immediately before 1st April 1986 is a justices' clerk or an officer of an existing magistrates' courts committee, having been appointed by an existing magistrates' courts committee to the clerkship or office, is to be regarded as then being in the service of that committee under a contract of employment and, in relation to such a person, references in that section to a contract of employment and to the rights, powers, duties and liabilities under or in connection with such a contract shall be taken to be references to the terms and conditions of his appointment and to the rights, powers, duties and liabilities under or in connection with such terms and conditions.

(3) The persons described or named in column (1) of Schedule 1 to this Order are designated persons for the purposes of section 52 of the 1985 Act as it has effect under paragraph (1) above in respect of whom the magistrates' courts committee specified opposite thereto in column (2) of that Schedule is the new employer for those purposes.

(4) A person is a designated person under paragraph (3) above, notwithstanding that at the date this Order is made, immediately before 1st April 1986 or at any time between those two dates he has been temporarily seconded by the existing magistrates' courts committee by whom he was employed or, in the case of a person appointed by such a committee to a clerkship or office, appointed or he is temporarily absent from his post—

- (a) for training or any other purpose connected with his usual duties; or
- (b) pursuant to any statutory or contractual provision applicable to his employment or appointment.