

---

## STATUTORY INSTRUMENTS

---

### 1986 No. 399

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

### PART II

#### DISSOLUTION OF EXISTING MAGISTRATES' COURTS COMMITTEES

##### **Compensation for loss of office or diminution of emoluments**

5.—(1) Section 53 of the 1985 Act shall have effect in relation to a person who, at any time after the passing of that Act, is in the service of an existing magistrates' courts committee and suffers loss of employment or loss or diminution of emoluments which is attributable to any provision made by or under the 1985 Act as it does in relation to a person who at such time is in the service of the Greater London Council and suffers such loss of employment or such loss or diminution of emoluments, as if the reference in subsection (3) of that section to 2nd March 1984 and the reference in subsection (4) of that section to 1st March 1984 were a reference to 1st January 1986.

(2) In paragraph (1) above, the reference to a person in the service of an existing magistrates' courts committee includes a person appointed by such a committee and, in relation to such a person, in that paragraph and in the said section 53 the reference to loss of employment shall be taken to be a reference to the cessation of his appointment and in that section—

- (a) references to a contract (other than a new contract) and a previous contract shall be taken to be references to the terms and conditions of his appointment;
- (b) the reference to contractual rights shall be taken to be a reference to his rights under those terms and conditions;
- (c) the reference to employment in subsection (4) of that section shall be taken to be a reference to his holding that appointment;
- (d) the reference to a person being employed in subsection (5) of that section shall be taken to be a reference to his appointment by the existing magistrates' courts committee; and
- (e) the reference in the said subsection (5) to a new contract and to a person's employment under such a contract shall be taken to include a reference to the person's appointment by a committee described in paragraph 12 or 13 of Schedule 1 to the 1983 Order.

(3) For the purposes of the said section 53 as it has effect under paragraph (1) above, the Local Government Reorganisation (Compensation) Regulations 1986 (“the 1986 Regulations”) shall have effect with the modifications set out in paragraphs (4) to (10) below.

(4) In regulation 1(2) of the 1986 Regulations:—

- (a) after the definition of “the 1982 Regulations” there shall be inserted ““the 1983 Order” means the Redundancy Payments (Local Government) (Modification) Order 1983;”;
- (b) for sub-paragraphs (a) and (b) of the definition of “compensating authority” there shall be substituted the words “the London residuary body”;
- (c) after the definition of “emoluments” there shall be inserted the following:—

---

*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**

---

““existing magistrates' courts committee” means a magistrates' courts committee under section 19(2)(c) of the Justices of the Peace Act 1979 as in force immediately before 1st April 1986;”;

- (d) in the definition of “relevant local government service”, after “1983” there shall be inserted the following:—

“taking, in the case of a person appointed by an existing magistrates' courts committee, references to employment to be references to holding the appointment and construing references to “employer” and to “employed” accordingly”.

- (5) For regulation 2 of the 1986 Regulations there shall be substituted the following regulation:—

“(1) 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 an existing magistrates' courts committee 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 entitlement to any such payment as is mentioned in section 53(3) of the 1985 Act as that section has effect under Article 5(1) of the Local Government (Magistrates' Courts etc.) Order 1986 (compensation payments to which a person is entitled by virtue of contractual rights acquired by him before 1st January 1986).

(2) In paragraph (1), the reference to a person in the service of an existing magistrates' courts committee includes a reference to a person appointed by such a committee and, in relation to such a person, the reference to loss of employment shall be taken to be a reference to the cessation of his appointment.

(3) References in these regulations to a person being employed shall in relation to a person appointed by an existing magistrates' courts committee be taken to be references to him holding the appointment and references to a contract of employment shall be taken to be references to the terms and conditions of his appointment.

(4) Notwithstanding regulation 1(2) of these regulations, references in these regulations to a person's new employment shall, in relation to a person appointed by a committee described in paragraph 12 or 13 of Schedule 1 to the 1983 Order, be taken to be references to his appointment by that committee and references to a person's new employer shall, in relation to such a person, be taken to be references to that committee.”.

- (6) The following paragraphs shall be inserted after paragraph (4) of regulation 3 of the 1986 Regulations:—

“(5) In paragraph 2(b)(ii) above the reference to a person who is entitled to a redundancy payment includes, in relation to a person who was appointed by an existing magistrates' courts committee and who was not an employee of that committee for purposes of the 1978 Act, a reference to a person who would be entitled to such a payment if, instead of having been appointed, he had been an employee of the committee for the period during which he held the appointment under a contract of employment whose terms and conditions were identical to the terms and conditions of his appointment.

(6) Paragraph (3) above shall have effect in relation to a woman who was appointed by an existing magistrates' courts committee and who was not an employee of that committee for purposes of the 1978 Act as if she had been such an employee for the period during which she held that appointment under a contract of employment whose terms and conditions were identical to the terms and conditions of her appointment.”

- (7) The following paragraphs shall be inserted after paragraph (5) of regulation 4 of the 1986 Regulations:—

“(6) This regulation shall have effect in relation to a person who was appointed by an existing magistrates' courts committee as if the references in this regulation to a person who

is entitled to a redundancy payment or, in the case of a woman, would have been entitled to such a payment but for section 82(1)(b) of the 1978 Act, were, in relation to a person who is not so entitled by reason of him not having been an employee of the committee for purposes of the 1978 Act, a reference to a person who would be entitled to such a payment or, in the case of a woman, would have been so entitled but for the said section 82(1)(b) if, instead of having been appointed, he had been an employee of the committee for the period during which he held the appointment under a contract of employment whose terms and conditions were identical to the terms and conditions of his appointment.

(7) Where under paragraph (6) of this regulation a person is entitled to compensation under paragraph (1)(b) he shall for purposes of computing the compensation due to him be treated as if he were an employee of the committee.

(8) Where under paragraph (6) of this regulation a woman is entitled to compensation under paragraph (4), she shall for purposes of computing the redundancy payment referred to in paragraph (5) of this regulation be treated as if she were an employee of the committee and references in the 1978 Act as modified by Part II of the Schedule to these regulations to a person being employed or to employment shall be construed accordingly.”

(8) In regulation 5 of the 1986 Regulations for the words, “the Greater London Council or a metropolitan county council” there shall be substituted the words “an existing magistrates' courts committee (including a person who was appointed by such a committee)”.

(9) For regulation 7(2)(d) of the 1986 Regulations there shall be substituted, “he had on the relevant date been employed from 16th July 1985 by an existing magistrates' courts committee, and”.

(10) The following paragraph shall be inserted after paragraph (2) of regulation 9 of the 1986 Regulations:—

“(3) The references in paragraph (1)(a) and (2) to a person who is or, in the case of paragraph (1)(a), would have been precluded by virtue of any of the provisions of the 1978 Act there mentioned from receiving a redundancy payment include, in relation to a person who was appointed by a committee described in paragraph 12 or 13 of Schedule 1 to the 1983 Order and who was not an employee of that committee for purposes of that Act, a reference to a person who would be or would have been so precluded if he had been an employee of the committee for the period during which he held the appointment.”