
STATUTORY INSTRUMENTS

2009 No. 486

The Local Government (Structural Changes) (Further Transitional Arrangements and Staffing) Regulations 2009

PART 4

PORT HEALTH AUTHORITIES

Staffing

7.—(1) Notwithstanding regulation 3(5) of the TUPE Regulations, the transfer of port health authority functions by or in consequence of a structural change made by a section 7 order—

- (a) from a predecessor council to a single tier council; or
- (b) from a joint board to a single tier council,

shall be treated for all purposes as a relevant transfer within the meaning of the TUPE Regulations, whether or not, apart from this provision, those Regulations would otherwise apply.

(2) In this regulation—

“joint board” means a board constituted as a port health authority under section 2 of the Public Health (Control of Disease) Act 1984⁽¹⁾ or section 2 of the Public Health Act 1936⁽²⁾;

“port health authority functions” means any functions exercised by a local authority or by a joint board by virtue of being constituted as a port health authority under those Acts; and

“the TUPE Regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006⁽³⁾.

(1) [1984 c.22.](#)

(2) [1936 c.49.](#) Section 2 of the Public Health Act 1936 was repealed by section 78 of, and Schedule 3 to, the Public Health (Control of Diseases) Act 1984, but with savings for orders made under that section (see section 77 of, and paragraph 2 of Schedule 1 to, the Public Health (Control of Diseases) Act 1984).

(3) [S.I. 2006/246.](#)