

## SCHEDULE

### The Hampshire and Isle of Wight Fire and Rescue Authority Combination Scheme

## PART 4

### Officers and employees of the Authority

#### **Continuity of employment and transfer of employment, rights, powers, duties and liabilities**

**18.**—(1) Subject to paragraph 19, the contract of employment of any person employed by the existing authorities immediately before 1st April 2021 shall have effect on or after 1st April 2021 as if originally made between the person so employed and the Authority.

(2) All of the rights, powers, duties and liabilities of the existing authorities under or in connection with any such contract are transferred to the Authority.

(3) Any act or omission before 1st April 2021, in relation to the transfer of that contract, is deemed to have been an act or omission in relation to the Authority.

#### **Employee objection to employment by the Authority**

**19.** Where an employee informs the existing authorities that they object to becoming employed by the Authority—

- (a) The employee's contract of employment and any rights, powers, duties and liabilities under or in connection with it do not transfer under paragraph 18(1) and (2);
- (b) the employee's contract of employment with the existing authorities is terminated on 1st April 2021, and
- (c) the employee is not be treated, for any purpose, as having been dismissed by either of the existing authorities.

#### **Employment by the Authority**

**20.** The Authority may employ such persons as it considers necessary for the efficient discharge of its functions.

#### **Authority use of constituent authority employees**

**21.** The Authority may make arrangements with any constituent authority for the use by the Authority of the services of employees of the constituent authority and for the making of contracts and payments on behalf of the Authority by the constituent authority.

#### **Relevant powers of local authorities under Local Government Act 1972**

**22.** Sections 114, 115, 116, 117(1), (2) and (3) and 119 of the Local Government Act 1972 apply to the officers and employees of the Authority as if reference in those provisions to a local authority, other than references to a parish council, were references to the Authority<sup>(1)</sup>.

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(1) [S.I. 2001/2337](#), [S.I. 2002/808](#); there are other amending instruments but none is relevant, section 117(3) amended by sections 38 and 46 of the Criminal Justice Act 1982 (c. 48).