



# National Health Service and Community Care Act 1990

## 1990 CHAPTER 19

### PART III

#### COMMUNITY CARE: ENGLAND AND WALES

##### *General provisions concerning community care services*

#### **49 Transfer of staff from health service to local authorities.**

- (1) In connection with arrangements relating to community care services made by virtue of this Part of this Act, the Secretary of State may make regulations with respect to the transfer to employment by a local authority of persons previously employed by a National Health Service body.
- (2) Regulations under this section may also make provision with respect to the return to employment by a National Health Service body of a person to whom the regulations previously applied on his transfer (whether from that or another National Health Service body) to employment by a local authority.
- (3) Without prejudice to the generality of subsections (1) and (2) above, regulations under this section may make provision with respect to—
  - (a) the terms on which a person is to be employed by a local authority or National Health Service body;
  - (b) the period and continuity of a person's employment for the purposes of [<sup>F1</sup>the Employment Rights Act 1996];
  - (c) superannuation benefits; and
  - (d) the circumstances in which, if a person declines an offer of employment made with a view to such a transfer or return as is referred to in subsection (1) or subsection (2) above and then ceases to be employed by a National Health Service body or local authority, he is not to be regarded as entitled to benefits in connection with redundancy.

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*Status: Point in time view as at 22/08/1996. This version of this provision has been superseded.*

**Changes to legislation:** National Health Service and Community Care Act 1990, Section 49 is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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(4) In this section—

- (a) “local authority” and “community care services” have the same meaning as in section 46 above; and
- (b) “National Health Service body” means a [<sup>F2</sup>Health Authority or Special Health Authority] or a National Health Service trust.

(5) Regulations under this section may make different provision with respect to different cases or descriptions of case, including different provision for different areas.

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#### **Textual Amendments**

- F1** Words in s. 49(3)(b) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 45(3)(b)** (with ss. 191-200, 202)
- F2** Words in s. 49(4)(b) substituted (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 82** (with Sch. 2 paras. 6, 16)

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#### **Commencement Information**

- I1** S. 49 wholly in force at 10.12.1992 see s. 67(2) and S.I. 1992/2975, **art. 2(1)(a)**.

**Status:**

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