



Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER II

INSTITUTIONS WITHIN THE FURTHER EDUCATION SECTOR

Property, rights and liabilities: general

35 Voluntary transfers of staff in connection with section 34.

- (1) This section applies where—
- for the purpose of making any property of a local authority available for use for the purposes of an institution within the further education sector, an order is made under section 34 of this Act,
 - at any time on or after such date as may be specified by the order a person employed by the local authority ceases to be so employed and is subsequently employed by the governing body of the institution, and
 - by virtue of [^{F1}section 138 of the Employment Rights Act 1996] (renewal or re-engagement) that subsequent employment precludes his receiving any redundancy payment under [^{F1}Part XI] of that Act.
- (2) [^{F2}Chapter I of Part XIV of] that Act (computation of period of employment for the purposes of that Act) shall have effect in relation to that person as if it included the following provisions—
- the period of employment of that person with the local authority shall count as a period of employment with the governing body, and
 - the change of employer shall not break the continuity of the period of employment.

Status: Point in time view as at 26/07/2002. This version of this provision has been superseded.

Changes to legislation: Further and Higher Education Act 1992, Section 35 is up to date with all changes known to be in force on or before 18 August 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)

- (3) The period of that person's employment with the local authority shall count as a period of employment with the governing body for the purposes of any provision of his contract of employment with the governing body which depends on his length of service with that employer.

Textual Amendments

- F1** Words in s. 35(1)(c) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 52(2)(a)(i)(ii)** (with ss. 191-195, 202)
- F2** Words in s. 35(2) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 52(2)(b)** (with ss. 191-195, 202)

Modifications etc. (not altering text)

- C1** S. 35 modified (1.4.1993) by S.I. 1993/563, art. 2, **Sch. 1**

Commencement Information

- I1** S. 35 wholly in force at 1.4.1993 see s. 94(3) and S.I. 1992/831, art. 2, **Sch. 3**
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