



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART I

LOCAL GOVERNMENT REORGANISATION

CHAPTER 2

STAFF

9 Effect of section 8 on contracts of employment

- (1) This section applies to any person transferred from an existing local authority to a new authority under or by virtue of an order under section 8 of this Act.
- (2) The contract of employment between such a person (the “employee”) and his present employer shall not be terminated by the abolition of that employer but shall have effect from 1st April 1996 (the “transfer date”) as if originally made between the employee and such new authority (his “new employer”) as may be specified in relation to him in an order made under section 8 of this Act.
- (3) Without prejudice to subsection (2) above—
 - (a) all the present employer’s rights, powers, duties and liabilities under or in connection with a contract to which that subsection applies shall by virtue of this section be transferred on the transfer date to the new employer; and
 - (b) anything done before the transfer date by or in relation to the present employer in respect of that contract or the employee shall be deemed after that date to have been done by or in relation to the new employer.
- (4) Subsections (2) and (3) above are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment

Status: This is the original version (as it was originally enacted).

in his terms and conditions of employment, but no such right shall arise by reason only of the change of employer effected by section 8 of this Act.

(5) In this section—

“existing local authority” includes a joint committee and a joint board but does not, subject to any other provision of this Act, include an islands authority; and

“new authority” means any of the authorities constituted under section 2 of this Act (other than Orkney Islands, Shetland Islands or Western Isles), a residuary body and a joint board.