



Local Government Act 2003

2003 CHAPTER 26

PART 8

MISCELLANEOUS AND GENERAL

CHAPTER 1

MISCELLANEOUS

Contracting-out

101 Staff transfer matters: general

- (1) In exercising a power to contract with a person for the provision of services, [^{F1}a relevant authority] must—
 - (a) deal with matters affecting—
 - (i) who will be the employer of existing staff if a contract is entered into and carried out, or
 - (ii) what will be the terms and conditions of employment of existing staff, or the arrangements for their pensions, if their employer changes as a result of a contract being entered into and carried out, in accordance with directions given to it by the appropriate person;
 - (b) have regard to guidance issued to it by the appropriate person on matters relating to the employment or pensions of existing staff.
- (2) In subsection (1), references to existing staff, in relation to a contract for the provision of services, are to staff who before the contract is carried out are engaged in the provision of any of the services.
- (3) Where the provision of any services under a contract with [^{F2}a relevant authority] for their provision is to cease in circumstances where they are to be provided instead by members of the authority's staff, the authority shall comply with directions given to it

Status: Point in time view as at 01/04/2008. This version of this provision has been superseded.

Changes to legislation: Local Government Act 2003, Section 101 is up to date with all changes known to be in force on or before 27 July 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)

by the appropriate person for the purpose of requiring it to offer employment to staff who, before the services cease to be provided under the contract, are engaged in the provision of any of the services.

- (4) The duties under Part 1 of the Local Government Act 1999 (c. 27) (best value) of a best value authority have effect subject to subsections (1) and (3).
- (5) The duties under sections 1 and 2 of the Local Government in Scotland Act 2003 (asp 1) (best value) of a relevant authority have effect subject to subsections (1) and (3).
- (6) Directions given, or guidance issued, for the purposes of subsection (1) or (3)—
- (a) may be addressed to—
 - (i) ^{F3}all relevant authorities], or
 - (ii) authorities of a particular description;
 - (b) may be different for different cases or authorities.

^{F4}(7) For the purposes of this section, the Secretary of State is the “appropriate person” in relation to a police authority for a police area in Wales.]

^{F5}(7A) In this section, in relation to England and Wales, “relevant authority” means—

- (a) a best value authority;
- (b) a parish council;
- (c) a parish meeting of a parish which does not have a separate parish council; or
- (d) a community council.]

(8) In this section^{F6}, in relation to Scotland]—

“appropriate person”^{F7}... means the Scottish Ministers; and
 “relevant authority” means—

- (a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),
- (b) the Strathclyde Passenger Transport Authority, or
- (c) any other body to which Part 1 of the Local Government in Scotland Act 2003 (asp 1) (best value and accountability) applies.

Textual Amendments

- F1** Words in s. 101(1) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 3\(9\)\(a\)](#); S.I. 2008/917, art. 2(1)(a)
- F2** Words in s. 101(3) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 3\(9\)\(a\)](#); S.I. 2008/917, art. 2(1)(a)
- F3** Words in s. 101(6)(a)(i) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 3\(9\)\(b\)](#); S.I. 2008/917, art. 2(1)(a)
- F4** S. 101(7) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 8 para. 25\(4\)](#); S.I. 2008/917, art. 2(1)(e)
- F5** S. 101(7A) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 3\(9\)\(c\)](#); S.I. 2008/917, art. 2(1)(a)
- F6** Words in s. 101(8) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 3\(9\)\(d\)\(i\)](#); S.I. 2008/917, art. 2(1)(a)
- F7** Words in s. 101(8) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 7 para. 3\(9\)\(d\)\(ii\)](#), [Sch. 18 Pt. 8](#); S.I. 2008/917, art. 2(1)(a)(i)(v)

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Commencement Information

- I1** S. 101 in force at 18.11.2003 so far as relating to E. and so far as relating to a best value authority in W. mentioned in s. 101(7) by [S.I. 2003/2938](#), **art. 2(b)** (with [art. 8](#), [Sch.](#))
- I2** S. 101 in force at 27.11.2003 so far as relating to a best value authority in W., other than one mentioned in s. 101(7) by [S.I. 2003/3034](#), [art. 2](#), **Sch. 1 Pt. I**

Status:

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