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STATUTORY INSTRUMENTS

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**1997 No. 460**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Durham County Council (Borough of  
Darlington) (Staff Transfer) Order 1997**

<i>Made</i>	- - - -	<i>24th February 1997</i>
<i>Laid before Parliament</i>		<i>28th February 1997</i>
<i>Coming into force</i>	- -	<i>1st April 1997</i>

The Secretary of State, in exercise of his powers under section 17(1) and 26(5)(b) of the Local Government Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation, commencement and application**

1.—(1) This Order may be cited as the the Durham County Council (Borough of Darlington) (Staff Transfer) Order 1997 and shall come into force on 1st April 1997.

(2) This Order makes provisions which are consequential or supplementary to the Durham (Borough of Darlington) (Structural Change) Order 1995<sup>(2)</sup>.

**Interpretation**

**2. In this Order**

“contract of employment” means a contract under which a person works for another person whether under a contract of service or apprenticeship or otherwise but does not include a contract for services;

“designated list” means the list marked “The Durham County Council (Borough of Darlington) (Staff Transfer) Order 1997 Designated List” which is signed by the Secretary of State for the Environment, one copy of which is deposited with the Darlington Borough Council, one with the Durham County Council and one in the offices of the Secretary of State for the Environment;

“employee” means a person employed under a contract of employment including a person employed under a fixed term contract the expiry date for which is after 31st March 1997, but does not include a person whose employment is on a temporary basis and who on 31st March

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(1) 1992 c. 19.  
(2) S.I.1995/1772.

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1997 has had a continuous period of employment (when calculated in accordance with sections 210 to 219 of the Employment Rights Act 1996<sup>(3)</sup>) of less than two years.

### **Transfer of staff**

3.—(1) This article shall apply to any employee (a “designated employee”)—

- (a) who immediately before 1st April 1997 (“the reorganisation date”) was employed by the Durham County Council;
- (b) whose employment would continue but for the transfer of functions to the Borough of Darlington; and
- (c) whose name is mentioned, or who falls within a class or description of employees which is mentioned, in the designated list.

(2) The contract of employment of a designated employee shall not be terminated on the reorganisation date but shall have effect as if originally made between that employee and the Darlington Borough Council.

(3) This article is without prejudice to any provision of the Transfer of Undertakings (Protection of Employment) Regulations 1981<sup>(4)</sup>.

Signed by authority of the Secretary of State

2nd February 1997

*David Curry*  
Minister of State,  
Department of the Environment

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<sup>(3)</sup> 1996 c. 18.

<sup>(4)</sup> S.I. 1981/1974 as amended by section 33 of the Trade Union Reform and Employment Rights Act 1993 c. 19.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is supplemental to the Durham (Borough of Darlington) (Structural Change) Order 1995 which alters the structure of local government in the county of Durham. This Order specifies the staff employed by the Durham County Council whose employment is to be transferred to the Darlington Borough Council.