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STATUTORY INSTRUMENTS

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**1998 No. 451**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Devon County Council (City of Plymouth and  
Borough of Torbay) (Staff Transfer) Order 1998**

|                               |         |                           |
|-------------------------------|---------|---------------------------|
| <i>Made</i>                   | - - - - | <i>25th February 1998</i> |
| <i>Laid before Parliament</i> |         | <i>4th March 1998</i>     |
| <i>Coming into force</i>      | - -     | <i>1st April 1998</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 Devon County Council (City of Plymouth and Borough of Torbay) (Staff Transfer) Order 1998 and shall come into force on 1st April 1998.

(2) This Order make provisions which are consequential on or supplementary to, the Devon (City of Plymouth and Borough of Torbay) (Structural Change) Order 1996<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 Devon County Council (City of Plymouth and Borough of Torbay) (Staff Transfer) Order 1998 Designated List” which is signed by the Secretary of State for the Environment, Transport and the Regions, one copy of which is deposited with the Plymouth City Council, one with the Torbay Borough Council, one with the Devon County Council and one in the offices of the Secretary of State for the Environment, Transport and the Regions;

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(1) 1992 c. 19.

(2) S.I.1996/1865. This Order gave effect (with modifications) to a Report of the Local Government Commission for England submitted in December 1994.

“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 1998, but does not include a person whose employment is on a temporary basis and who on 31st March 1998 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 1998 (“the reorganisation date”) is employed by the Devon County Council;
- (b) whose employment would continue but for the transfer of functions to the Councils of the City of Plymouth and the Borough of Torbay;
- (c) whose name is mentioned, or who falls within a class or description of employees which is mentioned, in the designated list; and
- (d) whose name is not mentioned in the Schedule to this Order.

(2) The contract of employment of a designated employee shall not be terminated on the reorganisation date but shall have effect in the case of an employee whose name is mentioned in, or who falls within a class or description of employees mentioned in any section of Part I or Part II of the designated list, as if originally made between that employee and the city or borough council mentioned at the head of that section.

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

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(3) 1996 c. 18.

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

## SCHEDULE

(Employees of the Devon County Council not transferring to the Torbay Borough Council)

Allcorn P M  
Arkell K  
Armstrong E  
Ashington D J  
Asplen J J  
Bannister C A  
Benney M E  
Billage T L S  
Bird J  
Blackmore J  
Boddy S  
Bond S J  
Bond S N  
Bovey V  
Bowden C J  
Bradshaw R  
Bresnahan M A  
Brooking C M  
Brown A E  
Brown D B  
Brown J A  
Bryen L S  
Bullock H L  
Caunter T M  
Chamings B A  
Chattaway E  
Church A M  
Clemens K A  
Cole J M  
Cole V G  
Coleman M  
Collings P P  
Cooper J  
Corrigan I  
Courtenay C J  
Cowell V  
Davis L J

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Diton M A  
Dodwell C S  
Down C  
Dutton D  
Ellis J A  
Elstub R  
Etchells J E  
Farley J M  
Flaherty A A  
Franks L  
Godfrey C M  
Gosling J  
Hayman L A  
Head A P  
Hemmings G C  
Hext D  
Hitti J D  
Hobbs G  
Hobbs S E  
Hocking B C  
Horan M  
Howard P W  
Hughes S E  
Hughes S J  
Hutchison T M  
Johns S M  
Jones S A  
Julian A B  
Keiller L  
Kidd D E D  
Langdon Y J  
Lavercombe J  
Lee S M  
Lettis S E  
Lintern J  
Lock S T  
Macintyre E J  
Maddock R G  
Mallandaine B A  
Marchant S E

Matthews K E  
Meaden S A  
Miles B I  
Mogridge J M  
Morgan B J  
Moxham J  
Neale A  
Newman L S  
Nicholls S J  
Noone J L  
O'Connell A D  
Olver J  
Ounsley L  
Palk S A  
Parkin M W  
Pattison J  
Pepperell M Y  
Pesters S  
Potter V A  
Powell C R  
Pym J L  
Raddon B J  
Randle S N  
Redshaw N  
Reynolds A E  
Robinson V G  
Rogers K  
Rossiter S M  
Rowse S  
Russell A M  
Russell S J  
Russell T A  
Satterley T M  
Scott D K  
Scott K  
Shelley S  
Sherman J L  
Sims V  
Smith-Humphress B A  
Spratley M J

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Stevens M V  
Stuart B  
Sturdy D A  
Sullivan S J  
Tait S M  
Thomas T M  
Tombs A  
Tozer M E  
Tozer S M  
Trace J A  
Tratt D J  
Turner L K  
Tysall M A  
Waite J  
Waithman V B  
Warner P  
Warren L D  
Webber S V  
Wells C A  
West A M  
Whatman C H  
White P D  
Williams L A  
Williams W V A  
Wills M J  
Wilson B A  
Wilson L  
Womsley S  
Woolcock S M  
Wright P A

Signed by authority of the Secretary of State

*Hilary Armstrong*  
Minister of State,  
Department of the Environment, Transport and  
the Regions

25th February 1998

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#### **EXPLANATORY NOTE**

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

This Order is supplemental to the Devon (City of Plymouth and Borough of Torbay) (Structural Change) Order 1996 which alters the structure of local government in the county of Devon. This Order provides for the employment of staff employed by the Devon County Council to be transferred to the City of Plymouth Council the Torbay Borough Council with the exception of the staff named in the Schedule to the Order who do not transfer to the Torbay Borough Council.

This Order refers to a designated list of employees and a copy of this list may be inspected at either of the offices of the councils referred to or at the office of the Secretary of State for the Environment, Transport and the Regions, Eland House, Bressenden Place, London SW1E 5DU.