1965 No. 96

LONDON GOVERNMENT

The London Authorities (Staff) Order 1965

Made - - - -	26*th January* 1965
Laid before Parliament	29*th January* 1965
Coming into Operation	30*th January* 1965

The Minister of Housing and Local Government, in exercise of his powers under sections 84 and 85 of the London Government Act 1963(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

Title, commencement and interpretation

1. This order may be cited as the London Authorities (Staff) Order 1965, and shall come into operation on 30th January 1965.

2.—(1) The Interpretation Act 1889(b) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order—

" the Act " means the London Government Act 1963;

" borough functions ", in relation to any area, means functions exercisable on and after 1st April 1965 by the council of the London borough constituting or including the area or the Common Council, as the case may be;

" the City " means the City of London;

" the Common Council " means the Common Council of the City of London;

" county functions " means functions exercisable on and after 1st April 1965 by the county council of Hertfordshire or Surrey, as the case may be;

" Greater London functions " means functions exercisable in Greater London on and after 1st April 1965 by the Greater London Council;

" inner London borough " means the London borough of Camden, Greenwich, Hackney, Hammersmith, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth or Westminster;

" officer " includes the holder of any place, situation or employment; and

" outer London borough " means a London borough which is not an inner London borough.

(3) In this order, any provision for the transfer of an officer to the Greater London Council shall, in relation to any such officer who would be employed by such council solely for the purposes of their functions as a local education authority, be construed as a reference to the Inner London Education Authority.

(a) 1963 c. 33. (b) 52 & 53 Vict. c. 63.

(4) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment or by this order.

(5) Any reference in this order to a numbered article or schedule shall, unless the reference is to an article or schedule of a specified order, be construed as a reference to the article or schedule bearing that number in this order.

(6) Any reference in any article of this order to a numbered paragraph shall, unless the reference is to a paragraph of a specified article, be construed as a reference to the paragraph bearing that number in the first-mentioned article.

Other express provision

3. This order shall have effect subject to the express provision of any other order made (whether before or after this order) under section 84 of the Act.

Application

4. Any provision in this order for the transfer of officers of any authority applies to any officer who on 31st March 1965 is in the employment of such authority, but in the case of a person not in the whole-time employment of the authority the transfer effected by such provision in its application to the authority is limited to employment with the authority.

Transfers

5.—(1) Any officer of an authority named in column (1) of Schedule 1 employed in the manner specified in respect of such authority in column (2) and—

(*a*) being so employed wholly or mainly in premises which are to be used, after 31st March 1965, for the purposes of the discharge of the functions so specified by the authority so specified in column (3); or

(*b*) operating wholly or mainly from such premises; or

(*c*) being otherwise so employed wholly or substantially so,

shall be transferred on 1st April 1965 to the employment of the authority so specified in column (3).

(2) Any officer of an authority named in column (1) of Schedule 2 employed in a manner specified in respect of such authority in column (2) and—

(*a*) being so employed wholly or mainly in premises, not being excepted premises, which are to be used, after 31st March 1965, for the purposes of the discharge of the functions so specified by the authority so specified in column (3); or

(*b*) operating wholly or mainly from such premises,

shall be transferred on 1st April 1965 to the employment of the authority so specified in column (3).

In this paragraph "excepted premises", in relation to any council, means any premises held under section 125 of the Local Government Act 1933(**a**) or section 155 of the London Government Act 1939(**b**) other than any accommodation therein to the continued use (or the use) of which any other authority will be entitled on 1st April 1965 under article 4(2) of the London Authorities (Property etc.) Order 1964(**c**).

(**a**) 23 & 24 Geo. 5. c. 51. (**b**) 2 & 3 Geo. 6. c. 40.
(**c**) S.I. 1964/1464 (1964 III, p. 3392).

(3) The councils of the London boroughs of Lambeth and Wandsworth shall in consultation with the councils of the metropolitan boroughs of Battersea, Lambeth and Wandsworth make a scheme for the transfer to the employment of the said councils of London boroughs on 1st April 1965 of the officers of the said councils of metropolitan boroughs not transferred by paragraphs (1) and (2).

(4) The councils of the London boroughs of Bexley and Bromley shall in consultation with the urban district council of Chislehurst and Sidcup make a scheme for the transfer to the employment of the said councils of London boroughs on 1st April 1965 of the officers of the said urban district council not transferred by paragraphs (1) and (2).

6.—(1) Any officer of the London County Council to whom this paragraph applies shall be transferred on 1st April 1965 to the employment of the council (being a London borough council or the Common Council) in whose area he is wholly or mainly employed and of the Inner London Education Authority jointly.

This paragraph applies to officers of the following grades—

Medical staff

Health visitors: Nursing officers: Centre superintendents: School nurses: School nursing sisters: Clinic nurses

Social workers (school health services)

Dental officers: Dental auxiliaries

who are liable to employment by the London County Council wholly or mainly in the divisional school health services.

(2) The London County Council may after consultation with the councils of the inner London boroughs and the London borough of Newham and the Common Council make a scheme for the transfer to any such council on 1st April 1965 of any officer of the council employed wholly or substantially so in the divisional school health services and not transferred by paragraph (1).

(3) Any officer of the London County Council or the county council of Middlesex employed in the discharge of borough functions (not being, in the case of the London County Council, an officer transferred by or under paragraph (1) or (2)) and—

(*a*) being so employed wholly or mainly in premises which are to be used, after 31st March 1965, for the purposes of the discharge of such functions by a London borough council or the Common Council; or

(*b*) operating wholly or mainly from such premises,

shall be transferred on 1st April 1965 to the employment of the London borough council or the Common Council, as the case may be:

Provided that the London County Council or the county council of Middlesex may except any officer from this paragraph if they are satisfied that he would be more appropriately dealt with under paragraph (7).

(4) Any officer of the county council of Middlesex employed in the discharge of county functions and—

(*a*) being so employed wholly or mainly in premises which are to be used, after 31st March 1965, for the purposes of the discharge of such functions by the county council of Hertfordshire or Surrey, as the case may be; or

(*b*) operating wholly or mainly from such premises,

shall be transferred on 1st April 1965 to the employment of such county council.

(5) Any person employed by the county council of Middlesex in the making, maintenance and repair of roads and—

(*a*) being so employed wholly or mainly in premises which are on 1st April 1965 transferred to the urban district council of Potters Bar, Staines or Sunbury-on-Thames; or

(*b*) operating wholly or mainly from such premises,

shall be transferred on 1st April 1965 to the employment of such council.

(6) Any officer of the London County Council or the county council of Middlesex employed in or operating wholly or mainly from premises which are on 1st April 1965 transferred to the council of any county (except, in relation to the county council of Middlesex, the counties of Hertfordshire and Surrey), county borough or county district shall be transferred on such date to the employment of such council.

(7) The London County Council and the county council of Middlesex shall in consultation with the specified councils make schemes for the distribution among the specified councils on 1st April 1965 of the officers of the respective councils not transferred by paragraphs (1) to (6) employed wholly or substantially so in the discharge of functions exercisable on and after 1st April 1965 by the specified councils:

Provided that the London County Council or the county council of Middlesex may—

(*a*) after such consultation, except any officer from such scheme if upon consideration of his salary scale and the salary scales or likely salary scales of posts in the services of the specified councils they are satisfied that he should not be transferred to the employment of any specified council;

(*b*) with the agreement of a London borough council other than a specified council provide in the scheme for the transfer of any officer to the employment of such council on 1st April 1965 if upon consideration of the personal circumstances of the officer they are satisfied that he should not be transferred to the employment of any specified council.

In this paragraph, " specified councils " means—

in relation to the London County Council, the councils of the inner London boroughs and the London borough of Newham and the Common Council;

in relation to the county council of Middlesex, the councils of the London boroughs of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon, Hounslow and Richmond upon Thames and the county councils of Hertfordshire and Surrey.

7.—(1) Any officer of the county council of Essex, Hertfordshire, Kent or Surrey employed in the discharge of Greater London functions and—

(*a*) being so employed wholly or mainly in premises which are to be used after 31st March 1965 for the purposes of the discharge of such functions by the Greater London Council; or

(*b*) operating wholly or mainly from such premises,

shall be transferred on 1st April 1965 to the employment of the Greater London Council.

(2) Any officer of the county council of Essex, Hertfordshire, Kent or Surrey employed in the discharge of borough functions and—

(*a*) being so employed wholly or mainly in premises which are to be used after 31st March 1965 for the purposes of the discharge of such functions by a London borough council; or

(*b*) operating wholly or mainly from such premises,

shall be transferred on 1st April 1965 to the employment of the London borough council:

Provided that the county council of Essex, Hertfordshire, Kent or Surrey may except from this paragraph any officer who is not employed in the discharge of borough functions wholly or mainly in relation to the area of the London borough council if they are satisfied that he should not be transferred to the employment of the London borough council.

(3) Such officers (other than police cadets) of the county council of Essex or the standing joint committee for the county employed for police purposes, including the purposes of section 2 of the Road Traffic and Roads Improvement Act 1960(a), in the London borough of Havering as before 1st April 1965 shall have been determined by agreement (subject to the approval of the Secretary of State) between the county council or the standing joint committee, as the case may be, and the Commissioner of Police of the Metropolis and the Receiver for the Metropolitan Police District or in default of agreement by the Secretary of State shall on 1st April 1965 be transferred to the employment of the said Commissioner or Receiver.

Nothing in article 12 or 13(2) or (4) shall apply to any officer to whom this paragraph applies.

(4) The county council of Essex, Hertfordshire, Kent or Surrey shall consider with the specified councils the officers required for the discharge of the functions both of themselves and of the specified councils and following such consideration shall make schemes for the transfer to the employment of the specified councils on 1st April 1965 of such officers of the county council not transferred by paragraphs (1) to (3) as they think appropriate:

Provided that any such county council may with the agreement of a London borough council other than a specified council provide in the scheme for the transfer of any officer to the employment of such council on 1st April 1965 if upon consideration of the personal circumstances of the officer they are satisfied that he should neither be transferred to the employment of any specified council nor retained in their own employment.

In this paragraph, " specified councils " means the Greater London Council and—

in relation to the county council of Essex, the councils of the London boroughs of Barking, Havering, Newham, Redbridge and Waltham Forest;

in relation to the county council of Hertfordshire, the council of the London borough of Barnet;

in relation to the county council of Kent, the councils of the London boroughs of Bexley and Bromley;

in relation to the county council of Surrey, the councils of the London boroughs of Croydon, Kingston upon Thames, Merton, Richmond upon Thames and Sutton.

8. Subject to the provisions of articles 5 and 6, any officer of an authority named in column (1) of Schedule 3 shall be transferred to the employment of the authority specified in respect of such authority in column (2).

(a) 8 & 9 Eliz. 2. c. 63.

Provisions supplementary to articles 5 to 8

9. Nothing in articles 5 to 8 applies—

(*a*) to any person who will by virtue of any agreement entered into between him and any authority before 1st April 1965 enter into the employment of that authority on that date; or

(*b*) to any officer of the council of the borough of Richmond who will by virtue of any order under the Water Act 1945(a) enter into the employment of the Metropolitan Water Board on 1st April 1965; or

(*c*) to any member of any fire brigade; or

(*d*) to any person as regards any employment which, otherwise than by virtue of the abolition of authorities effected by the Act, is to be terminated on 31st March 1965.

10.—(1) Where on 31st March 1965 any officer has not taken up the duties of his employment he shall be deemed, in the application of articles 5 to 8, to be employed in, or to be operating from, the premises in which he would be employed or from which he would be operating if he had taken up such duties.

(2) Where any officer is on 31st March 1965 absent from his normal duties for the purpose of undergoing training articles 5 to 8 shall apply—

(*a*) if it was part of the arrangements under which he is so absent that at the completion of such training he should be employed in a place, situation or employment different from the place, situation or employment which he occupied prior to the commencement of the training, as if he was, on 31st March 1965, occupying such different place, situation or employment;

(*b*) otherwise as if he was, on 31st March 1965, occupying the place, situation or employment which he occupied immediately prior to the commencement of such training.

(3) Where any officer is on 31st March 1965 absent from his normal duties otherwise than for the purpose of undergoing training he shall be deemed, in the application of articles 5 to 8, to be discharging such duties, and to be discharging them in, or from, the premises in, or from, which he normally discharges them.

(4) No officer of the county council of Essex, Hertfordshire, Kent or Surrey employed for relief duties shall, in the application of articles 5 to 8, be transferred from the employment of such council by reason of his discharge of duties on 31st March 1965 in premises in Greater London.

(5) Where by virtue of any arrangements made by the Greater London Council, a London borough council or the Common Council, or two or more such councils, functions exercised before 1st April 1965 in any premises will after 31st March 1965 be carried out in other premises both such premises shall in the application of articles 5 to 7 be deemed to be the same premises.

11. In the application of articles 5 to 8 any facilities granted to any council under article 11(6) or (7) of the London Authorities (Property etc.) Order 1964 or secured by agreement shall be disregarded.

Determination of questions as to manner of employment

12.—(1) Any question specified in an item numbered (i) to (xvii) in paragraph 2 of Schedule 4 shall be determined by a referee or board of referees

(a) 8 & 9 Geo. 6. c. 42.

appointed by the Minister of Labour after consultation with the Lord Chancellor, and the provisions of paragraphs 3 and 4 of Schedule 4 shall apply on such references. Such reference may be made in relation to an officer at any time before 1st April 1965 or where the officer is informed of his treatment under articles 5 to 8 as provided in paragraph (2) after 4th March 1965 before the 28th day following such information.

(2) Any council named in column (1) of Schedule 3, the council of the metropolitan borough of Battersea, Lambeth or Wandsworth or the urban district council of Chislehurst and Sidcup shall ensure that any officer is informed as to—

(*a*) the provisions of articles 5, 6 and 8 which are applicable to such council;

(*b*) the treatment of the officer under any of the said provisions;

(*c*) the authority to whom the officer would be transferred on such treatment;

(*d*) the provision made by this article which is applicable to such council;

(*e*) the person and address to whom any question should be referred.

The Common Council, the county council of Essex, Hertfordshire, Kent or Surrey or the urban district council of Chigwell shall ensure that any officer who would on the application of articles 5 and 7 be transferred to the employment of any other authority is informed as to—

(*a*) the provisions of such articles which are applicable to such council;

(*b*) the treatment of the officer under any of the said provisions;

(*c*) the authority to whom the officer would be transferred on such treatment;

(*d*) the provision made by this article which is applicable to such council;

(*e*) the person and address to whom any question should be referred.

Protection of officers transferred

13.—(1) Every officer transferred by or under articles 5 to 8, 12 or 21 to the employment of any authority shall, so long as he continues in that employment by virtue of the transfer and until he is served with a statement in writing of new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those he enjoyed immediately before 1st April 1965. The said new terms and conditions shall be such that—

(*a*) so long as the officer is engaged in duties reasonably comparable to those in which he was engaged immediately before 1st April 1965, the scale of his salary or remuneration, and

(*b*) the other terms and conditions of his employment,

are not less favourable than those he enjoyed immediately before 1st April 1965, and any question whether duties are reasonably comparable as aforesaid shall be determined by a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor. The statement of new terms and conditions of employment shall contain information that any question shall be so determined and as to the person and address to whom any question should be referred.

(2) A statement of new terms and conditions of employment shall not be served—

(*a*) in the case of any officer who has appealed on grounds of hardship to

an appeal committee established by the staff commission established under section 85(5) of the Act or of any officer in respect of whom a question has been referred under article 12—

(i) if an appeal on grounds of hardship is allowed, until—

an alternative transfer has been arranged

if no alternative transfer is arranged, the expiration of 3 months from the decision of the committee or 30th September 1965, whichever is the later;

(ii) in any other case, until the decision on the appeal or question has been notified;

(*b*) in the case of an officer to whom article 10(2)(*a*) applies, unless such officer otherwise agrees, until he has been occupying the different place, situation or employment therein referred to for one month.

(3) Subject to paragraph (2), a statement of new terms and conditions of employment may be served before 1st April 1965.

(4) If after service of a statement of new terms and conditions of employment upon him (whether before 1st April 1965 or otherwise) an officer appeals on grounds of hardship as aforesaid or a question is referred in respect of him under article 12, the statement shall cease to have effect, paragraph (1) shall have effect as if the statement had not been served, and a new statement shall be served only in accordance with paragraph (2)(*a*).

(5) In this article, " terms and conditions of employment " includes any restriction arising under any Act or any instrument made under any Act on the termination of the employment of any officer.

(6) A written statement given in accordance with section 4(1) of the Contracts of Employment Act 1963(a) shall not be regarded as a statement of new terms and conditions of employment for the purposes of this article unless the statement so indicates.

Secondary transfers

14. Any officer transferred by or under articles 5 to 8 or 12 to the employment of any authority may before 1st July 1965 (or if no statement in writing of new terms and conditions of employment under article 13 is then in force before the service of such a statement) be transferred by the said authority, with the agreement of any one of the following authorities, namely the Greater London Council, the London borough councils, the Common Council and the county councils of Essex, Hertfordshire, Kent and Surrey, and of the officer, to the employment of that authority, and article 13 shall thereupon apply to such officer as it applies to officers transferred by the article first mentioned.

Saving for training arrangements

15. Any arrangements under which any officer transferred by or under articles 5 to 8, 12 or 14 underwent training which have not been discharged before 1st April 1965 shall continue to apply with the substitution, for the authority in whose employment the officer was prior to the commencement of the training, of the authority to whose employment he has been transferred as aforesaid.

Saving for dispensations

16. Any dispensation from the requirements of any regulation granted to

(a) 1963 c. 49.

the authority from whom any officer is transferred by or under articles 5 to 8, 12 or 14 shall have effect, in relation to such officer, as if it had been granted to the authority to whose employment he has been transferred as aforesaid.

Saving for extensions of service

17. Any extension of service under section 7(1) of the Local Government Superannuation Act 1937(a) effective on 1st April 1965 in relation to an officer transferred by or under articles 5 to 8, 12 or 14 shall continue to have effect as if it had been made by the authority to whose employment he is transferred as aforesaid.

Persons employed by urban district councils of Potters Bar, Staines and Sunbury-on-Thames

18. In relation to any person employed by the urban district council of Potters Bar, Staines or Sunbury-on-Thames—

(*a*) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before 1st April 1965, the scale of his salary or remuneration, and

(*b*) the other terms and conditions of his employment,

shall be not less favourable than those he enjoyed immediately before 1st April 1965, and any question whether duties are reasonably comparable as aforesaid shall be determined by a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor.

In this article, " terms and conditions of employment " includes any restriction arising under any Act or any instrument made under any Act on the termination of the employment of any officer.

Appointment of assessor

19. On any reference under article 12(1), 13(1) or 18 the referee or board of referees may, if he or they think fit, appoint a person having special knowledge or experience in relation to the subject matter of the reference to sit with him or them as assessor.

Transfer of members of Essex police force and special constables

20.—(1) Subject to paragraph (2), on 1st April 1965 such members of the Essex county police force as before that date shall have been determined by agreement (subject to the approval of the Secretary of State) between the chief constable of that police force and the Commissioner of Police of the Metropolis, or in default of agreement by the Secretary of State, shall be transferred to, and become members of, the metropolitan police force:

Provided that no member of the Essex county police force shall be so transferred without his consent.

All persons who are transferred in pursuance of this paragraph shall be deemed to have been appointed as members of the metropolitan police force under section 4 of the Metropolitan Police Act 1829(b) and to have been duly attested as such, and shall be transferred to that force in the same ranks respectively as they held immediately before 1st April 1965 in the Essex county police force.

(2) Where a report or allegation is received before 1st April 1965 from which it appears that a member of the Essex county police force may have

(a) 1 Edw. 8 & 1 Geo. 6. c. 68. (b) 10 Geo. 4. c. 44.

committed an offence against discipline, within the meaning of any regulations in force under the Police Act 1919(a), the chief constable of that police force may postpone the transfer of the member in question for the purpose of facilitating the investigation of the matter and any disciplinary proceedings arising therefrom, including any appeal to the Secretary of State under the Police (Appeals) Act 1927(b) or section 37 of the Police Act 1964(c); and paragraph (1) shall apply in the case of a person whose transfer is so postponed as if for any reference therein to 1st April 1965 there were substituted a reference to such day as may be determined by the chief constable of the Essex police force after consultation with the Commissioner of Police of the Metropolis.

(3) On 1st April 1965 such special constables appointed for the county of Essex as before that date shall have been determined by agreement (subject to the approval of the Secretary of State) between the chief constable of the Essex county police force and the Commissioner of Police of the Metropolis, or in default of agreement by the Secretary of State, shall become special constables for the metropolitan police district:

Provided that no person shall so become a special constable for the metropolitan police district without his consent.

All persons who become special constables for the metropolitan police district under this paragraph shall be deemed to have been appointed as such under section 16 of the Police Act 1964 and to have been duly attested as such.

Fire services

21.—(1) Subject to paragraph (2), on 1st April 1965 the members of the fire brigades of the counties of London and Middlesex and the county boroughs of Croydon, East Ham and West Ham below the rank of assistant chief officer and such members of the fire brigades of the counties of Essex, Hertfordshire, Kent and Surrey below that rank as before that date shall have been determined by agreement between the Greater London Council and the county council concerned or in default of agreement by the Secretary of State shall be transferred to, and become members of, the fire brigade for Greater London.

(2) Such members of the fire brigade of the county of Middlesex below the rank of assistant chief officer as shall have been determined by agreement between the Greater London Council and the county councils of Hertfordshire and Surrey or in default of agreement by the Secretary of State shall be transferred to, and become members of, the fire brigade of the county of Hertfordshire or the county of Surrey.

(3) Where a report, complaint or other allegation is received before 1st April 1965 from which it appears that a person transferred by paragraph (1) from the fire brigade of the county of London or Middlesex or the county borough of Croydon, East Ham or West Ham may have committed an offence against discipline, within the meaning of any regulations in force under the Fire Services Act 1947(d), any disciplinary proceedings, including any appeal, arising therefrom under any such regulations may be continued as if the alleged offence had been committed while he is a member of the fire brigade for Greater London and, accordingly, the said regulations shall have effect subject to any necessary modifications.

(4) Where a report, complaint or other allegation is received before 1st April 1965 from which it appears that a person to be transferred by paragraph (1) from the fire brigade of the county of Essex, Hertfordshire, Kent or Surrey may

(a) 9 & 10 Geo. 5. c. 46.
(b) 17 & 18 Geo. 5. c. 19.
(c) 1964 c. 48.
(d) 10 & 11 Geo. 6. c. 41.

have committed an offence against discipline, within the meaning of any regulations in force under the Fire Services Act 1947, the chief officer of the fire brigade concerned may postpone the transfer of the person in question for the purpose of facilitating the investigation of the matter and any disciplinary proceedings, including any appeal, arising therefrom under any such regulations; and paragraph (1) shall apply in the case of a person whose transfer is so postponed as if for any reference therein to 1st April 1965 there were substituted a reference to such date as may be determined by the chief officer of the fire brigade concerned after consultation with the chief officer of the fire brigade for Greater London.

(5) (*a*) Where a report, complaint or other allegation is received before 1st April 1965 from which it appears that a person to be transferred by paragraph (2) to the fire brigade of the county of Hertfordshire or Surrey may have committed an offence against discipline, within the meaning of any regulations in force under the Fire Services Act 1947, the chief officer of the fire brigade of the county of Middlesex may postpone the transfer of the person in question for the purpose of facilitating the investigation of the matter and any disciplinary proceedings, including any appeal, arising therefrom under any such regulations; and paragraph (2) shall apply in the case of a person whose transfer is so postponed as if for any reference therein to 1st April 1965 there were substituted a reference to such date as may be determined by the chief officer of the fire brigade for Greater London after consultation with the chief officer of the fire brigade of the county of Hertfordshire or Surrey, as the case may be.

(*b*) Any person whose transfer is postponed by sub-paragraph (*a*) of this paragraph shall, on 1st April 1965, be transferred to, and become a member of, the fire brigade for Greater London for the purpose mentioned in that sub-paragraph until the date determined in accordance with the said sub-paragraph, and while he is such a member paragraph (3) shall apply to him as it applies to a person transferred by paragraph (1) from the fire brigade of the county of Middlesex.

(6) All persons who are transferred by paragraph (1), (2) or (5)(*b*) shall be transferred in the same ranks respectively as they held immediately before being so transferred.

(7) On 1st April 1965 the chief officers of the fire brigades of the counties of London and Middlesex and the county boroughs of Croydon, East Ham and West Ham and the members of those fire brigades holding the rank of assistant chief officer shall be transferred to, and become members of, the fire brigade for Greater London, but any person so transferred shall cease to be a member thereof on 30th June 1965 unless he has then accepted and taken up an appointment therein. While any such person, other than the person appointed to be the chief officer of the fire brigade for Greater London, is such a member by virtue only of this paragraph, he shall hold the rank of assistant chief officer but shall be treated for the purposes of his pay, pension and other conditions of service as if he had continued to be chief officer of or as the case may be an assistant chief officer in the fire brigade from which he was transferred.

(8) Without prejudice to section 27(4) of the Fire Services Act 1947, in relation to a member of the fire brigade for Greater London transferred thereto by paragraph (1), (5)(*b*) or (7) or of the fire brigade of the county of Hertfordshire or the county of Surrey transferred thereto by paragraph (2) in whose

case the Firemen's Pension Scheme had effect immediately before 1st April 1965 subject to the modifications set out in section 27(3) of the said Act of 1947, the fire brigade for Greater London, the fire brigade of the county of Hertfordshire or the fire brigade of the county of Surrey, as the case may be, and the fire brigade from which he was transferred shall be treated as one for the purposes of section 27(2) of that Act.

In this paragraph, the reference to the Firemen's Pension Scheme is a reference to the Scheme for the time being in force under section 26 of the said Act of 1947.

(9) Section 19(3) of the Fire Services Act 1947 (as amended by section 7 of the Fire Services Act 1959(a)) shall have effect as respects 1965 as if it provided that the councils of the counties of Essex, Kent, Hertfordshire and Surrey should notify the Secretary of State not later than the end of January in that year of the establishment scheme to come into force on 1st April 1965.

(10) Nothing in article 13(2) or (4) shall apply to any member of any fire brigade.

(a) 7 & 8 Eliz. 2. c. 44.

SCHEDULE 1

(1)	(2)	(3)
The Common Council The council of any county borough, metropolitan borough or county district abolished by section 3(1)(*b*) of the Act.	In the discharge of Greater London functions	The Greater London Council
The council of the metropolitan borough of Woolwich	In the discharge of borough functions wholly or mainly in relation to the area of the metropolitan borough included in the London borough of Newham	The council of the London borough of Newham
The council of the borough of Barking	In the discharge of borough functions wholly or mainly in relation to the area of the borough included in the London borough of Newham	
The council of the borough of Dagenham	In the discharge of borough functions wholly or mainly in relation to the area of the borough included in the London borough of Redbridge	The council of the London borough of Redbridge
The council of the urban district of Chigwell	In the discharge of borough functions wholly or mainly in relation to the area of the urban district included in the London borough of Redbridge	

SCHEDULE 2

(1)	(2)	(3)
The council of the metropolitan borough of Battersea	In the discharge of functions exercisable on and after 1st April 1965 by the council of an inner London borough	The council of the London borough of Wandsworth
The council of the metropolitan borough of Wandsworth	In the discharge of such functions wholly or mainly in relation to the area of the borough included in the London borough of Wandsworth	
The council of the metropolitan borough of Wandsworth	In the discharge of such functions wholly or mainly in relation to the area of the borough included in the London borough of Lambeth	The council of the London borough of Lambeth
The council of the metropolitan borough of Lambeth	In the discharge of such functions	
The council of the urban district of Chislehurst and Sidcup	In the discharge of functions exercisable on and after 1st April 1965 by the council of an outer London borough wholly or mainly in relation to the area of the urban district included in the London borough of Bexley	The council of the London borough of Bexley
The council of the urban district of Chislehurst and Sidcup	In the discharge of such functions wholly or mainly in relation to the area of the urban district included in the London borough of Bromley	The council of the London borough of Bromley

SCHEDULE 3

(1)	(2)
The London County Council The county council of Middlesex	The Greater London Council
The council of the metropolitan borough of Westminster, Paddington or St. Marylebone	The council of the new city of Westminster.
The council of the metropolitan borough of Hampstead, Holborn or St. Pancras	The council of the London borough of Camden
The council of the metropolitan borough of Finsbury or Islington	The council of the London borough of Islington
The council of the metropolitan borough of Hackney, Shoreditch or Stoke Newington	The council of the London borough of Hackney
The council of the metropolitan borough of Bethnal Green, Poplar or Stepney	The council of the London borough of Tower Hamlets
The council of the metropolitan borough of Greenwich or Woolwich	The council of the London borough of Greenwich
The council of the metropolitan borough of Deptford or Lewisham	The council of the London borough of Lewisham
The council of the metropolitan borough of Bermondsey, Camberwell or Southwark	The council of the London borough of Southwark
The council of the metropolitan borough of Fulham or Hammersmith	The council of the London borough of Hammersmith
The council of the metropolitan borough of Chelsea or Kensington	The council of the Royal borough of Kensington and Chelsea
The council of the borough of Chingford, Leyton or Walthamstow	The council of the London borough of Waltham Forest
The council of the borough of Ilford or Wanstead and Woodford	The council of the London borough of Redbridge
The council of the borough of Romford The council of the urban district of Hornchurch	The council of the London borough of Havering
The council of the borough of Barking or Dagenham	The council of the London borough of Barking

SCHEDULE 3 (continued)

(1)	(2)
The council of the borough of East Ham or West Ham	The council of the London borough of Newham
The council of the borough of Bexley or Erith The council of the urban district of Crayford	The council of the London borough of Bexley
The council of the borough of Beckenham or Bromley The council of the urban district of Orpington or Penge	The council of the London borough of Bromley
The council of the existing borough of Croydon The council of the urban district of Coulsdon and Purley	The council of the London borough of Croydon
The council of the borough of Beddington and Wallington or Sutton and Cheam The council of the urban district of Carshalton	The council of the London borough of Sutton
The council of the borough of Mitcham or Wimbledon The council of the urban district of Merton and Morden	The council of the London borough of Merton
The council of the existing borough of Kingston-upon-Thames, Malden and Coombe or Surbiton	The council of the Royal borough of Kingston upon Thames
The council of the borough of Barnes, Richmond or Twickenham	The council of the London borough of Richmond upon Thames
The council of the borough of Brentford and Chiswick or Heston and Isleworth The council of the urban district of Feltham	The council of the London borough of Hounslow
The council of the borough of Uxbridge The council of the urban district of Hayes and Harlington, Ruislip-Northwood or Yiewsley and West Drayton	The council of the London borough of Hillingdon

SCHEDULE 3 (continued)

(1)	(2)
The council of the borough of Acton, Ealing or Southall	The council of the London borough of Ealing
The council of the borough of Wembley or Willesden	The council of the London borough of Brent
The council of the existing borough of Harrow	The council of the London borough of Harrow
The council of the borough of Finchley or Hendon The council of the urban district of Barnet, East Barnet or Friern Barnet	The council of the London borough of Barnet
The council of the borough of Hornsey, Tottenham or Wood Green	The council of the London borough of Haringey
The council of the borough of Edmonton, Enfield or Southgate	The council of the London borough of Enfield
The Wandle Valley Main Drainage Authority The North Surrey Joint Sewage Board The Richmond Main Sewerage Board	The Greater London Council
The Tottenham and Wood Green Burial Board The Tottenham and Wood Green Joint Drainage Committee	The council of the London borough of Haringey

SCHEDULE 4

1. In this Schedule—

" the tribunal " means such a referee or board of referees as is referred to in article 12;

" the relevant premises ", in relation to any officer, means the premises in which the officer was wholly or mainly employed or from which he wholly or mainly operated;

" the specified councils ", in relation to the Greater London Council acting in the place of the London County Council or the county council of Middlesex has the same meaning as in article 6 in relation to such council, and in relation to any other council has the same meaning as in article 6 or 7;

" the specified time ", in relation to any officer, means the expiration of

the second week following that in which the decision of the tribunal is notified;

"item" means an item numbered (i) to (xvii) in paragraph 2 of this Schedule.

2. The questions which may be referred to a tribunal are—

(*a*) in relation to an officer of the council of the metropolitan borough of Woolwich, the borough of Barking or Dagenham or the urban district of Chigwell employed in the discharge of borough functions—

(i) whether he is or was so employed wholly or mainly in relation to the area specified in respect of such council in column (2) of Schedule 1;

(*b*) in relation to an officer of any council named in column (1) of Schedule 1 employed in a manner specified in column (2)—

(ii) whether he is or was so employed wholly or mainly in premises specified in article 5(1)(*a*);

(iii) whether he does or did operate wholly or mainly from such premises;

(iv) whether he is or was otherwise so employed wholly or substantially so;

(*c*) in the case of an officer of the council of the metropolitan borough of Wandsworth employed in the discharge of functions exercisable on and after 1st April 1965 by the council of an inner London borough—

(v) whether he is or was so employed wholly or mainly in relation to the area of the borough included in the London borough of Wandsworth or Lambeth, as the case may be;

(*d*) in the case of an officer of the council of the urban district of Chislehurst and Sidcup employed in the discharge of functions exercisable on and after 1st April 1965 by the council of an outer London borough—

(vi) whether he is or was so employed wholly or mainly in relation to the area of the urban district included in the London borough of Bexley or Bromley, as the case may be;

(*e*) in relation to an officer of the London County Council or the county council of Middlesex employed in the discharge of borough functions (not being, in the case of the London County Council, an officer transferred by or under article 6(1) or (2))—

(vii) whether he is or was so employed wholly or mainly in premises specified in article 6(3)(*a*);

(viii) whether he does or did operate wholly or mainly from such premises;

(*f*) in relation to an officer of the county council of Middlesex employed in the discharge of county functions—

(ix) whether he is or was so employed wholly or mainly in premises specified in article 6(4)(*a*);

(x) whether he does or did operate wholly or mainly from such premises;

(*g*) in relation to an officer of the county council of Middlesex employed in the making, maintenance and repair of roads—

(xi) whether he is or was so employed wholly or mainly in premises specified in article 6(3);

(xii) whether he does or did operate wholly or mainly from such premises;

(*h*) in relation to an officer of the London County Council or the county council of Middlesex—

(xiii) whether he is or was employed wholly or substantially so in the discharge of functions exercisable on and after 1st April 1965 by the specified councils;

(*i*) in the case of an officer of the county council of Essex, Hertfordshire, Kent or Surrey employed in the discharge of Greater London functions—

(xiv) whether he is or was so employed wholly or mainly in premises specified in article 7(1)(*a*);

(xv) whether he does or did operate wholly or mainly from such premises;

(*j*) in the case of an officer of the county council of Essex, Hertfordshire, Kent or Surrey employed in the discharge of borough functions—

(xvi) whether he is or was so employed wholly or mainly in premises specified in article 7(2)(*a*);

(xvii) whether he does or did operate wholly or mainly from such premises.

3.—(1) The provisions of this paragraph shall have effect on a decision of the tribunal that an officer who has been treated as employed or as operating in a manner specified in an item in paragraph 2 of this Schedule is not or was not so employed or does not or did not so operate.

(2) On any decision that an officer of an authority named in column (1) of the following table is not or was not employed or does not or did not operate as specified in an item included in respect of such authority in column (2) the tribunal shall decide whether the officer is or was employed or does or did operate as specified in the items included in respect of such first-mentioned item in column (3).

TABLE

(1)	(2)	(3)
Any council named in column (1) of Schedule 1	(ii)	(iii) and (iv)
	(iii)	(ii) and (iv)
	(iv)	(ii) and (iii)
The London County Council or the county council of Middlesex	(vii)	(viii)
	(viii)	(vii)
	(ix)	(x)
	(x)	(ix)
	(xi)	(xii)
	(xii)	(xi)
The county council of Essex, Hertfordshire, Kent or Surrey	(xiv)	(xv), (xvi) and (xvii)
	(xv)	(xiv), (xvi) and (xvii)
	(xvi)	(xiv), (xv) and (xvii)
	(xvii)	(xiv), (xv) and (xvi)

(3) On any decision notified after 31st March 1965 that an officer of a council named in column (1) of Schedule 3 was not employed as specified in—

item (i), or
item (ii), (iii) or (iv),

the officer shall at the specified time be transferred to the employment of the authority specified in respect of such council in column (2).

(4) On any decision notified after 31st March 1965 that an officer of the Common Council or of the urban district council of Chigwell was not employed as specified in item (ii), (iii) or (iv), the officer shall at the specified time be transferred to the employment of the Common Council or of the urban district council.

(5) On any decision that an officer of the council of the metropolitan borough of Battersea, Lambeth or Wandsworth or of the urban district of Chislehurst and Sidcup is not or was not employed as specified in—

item (ii), (iii) or (iv),
item (v), or
item (vi),

the councils of the London boroughs of Lambeth and Wandsworth or of the London boroughs of Bexley and Bromley, as the case may be, shall—

(i) if the decision is notified before 1st April 1965, include the officer in the scheme made by them under article 5(3) or (4);

(ii) if the decision is notified after 31st March 1965, determine the council to whose employment the officer should have been transferred, and where the officer is not in the employment of such council he shall at the specified time be transferred thereto.

(6) On any decision that an officer of the London County Council or the county council of Middlesex (not being, in the case of the London County Council, an officer transferred by or under article 6(1) or (2)) is not or was not employed or does not or did not operate as specified in—

item (vii) or (viii),
item (ix) or (x), or
item (xi) or (xii),

the tribunal shall decide whether the officer is or was employed wholly or substantially so in the discharge of functions exercisable after 31st March 1965 by the specified councils.

If the tribunal so decides, then—

(i) if the decision is notified before 1st April 1965, the London County Council or the county council of Middlesex, as the case may be, shall, after such consultation as they consider appropriate, include the officer in the scheme made by them under article 6(7) or except him from such scheme in accordance with (*a*) of the proviso thereto;

(ii) if the decision is notified after 31st March 1965, the Greater London Council shall, after such consultation as they consider appropriate, determine the specified council to whose employment the officer should be transferred, or whether he should be transferred to the employment of the Greater London Council or of a London borough council other than a specified council as if the proviso to article 6(7) had applied and the date upon which the officer should be so transferred. On such date, the officer shall be transferred in accordance with the determination.

If a decision of the tribunal that the officer was not employed as aforesaid

is notified after 31st March 1965, the officer shall at the specified time be transferred to the employment of the Greater London Council.

(7) On any decision notified after 31st March 1965 that an officer of the London County Council or the county council of Middlesex was not employed as specified in item (xiii) the officer shall at the specified time be transferred to the employment of the Greater London Council.

(8) On any decision that an officer of the county council of Essex, Hertfordshire, Kent or Surrey is not or was not employed or does not or did not operate as specified in item (xiv), (xv), (xvi) or (xvii), then—

(i) if the decision is notified before 1st April 1965, the county council may, after such consultation as they consider appropriate, include the officer in the scheme made by them under article 7(4);

(ii) if the decision is notified after 31st March 1965, the county council may, after such consultation as they consider appropriate, determine whether the officer should be transferred to the employment of a specified council, or to the employment of a London borough council other than a specified council, as if article 7(4) had applied. If they so determine the officer shall at the specified time be transferred in accordance with the determination. If they do not so determine the officer shall at the specified time be transferred to the employment of the county council.

(9) Subject to the provisions of sub-paragraphs (2) to (8) of this paragraph the officer shall be transferred by article 8.

4.—(1) The provisions of this paragraph shall have effect on a decision of the tribunal that an officer who has not been treated as employed or as operating in a manner specified in an item in paragraph 2 of this Schedule is or was so employed or does or did so operate.

(2) On any decision that an officer of the council of the metropolitan borough of Woolwich, the borough of Barking or Dagenham or the urban district of Chigwell employed in the discharge of borough functions is or was so employed as specified in item (i) the tribunal shall also decide whether the officer is or was employed as specified in items (ii), (iii) or (iv).

(3) On any decision notified after 31st March 1965 that an officer of the Common Council, the council of any county borough, metropolitan borough or county district abolished by section 3(1) (*b*) of the Act or the county council of Essex, Hertfordshire, Kent or Surrey employed in the discharge of Greater London functions was employed or did operate as specified in item (ii), (iii), (iv), (xiv) or (xv), the officer shall at the specified time be transferred to the employment of the Greater London Council.

(4) On any decision notified after 31st March 1965 that an officer of an authority named in column (1) of the following table (not being an officer of the London County Council transferred by or under article 6(1) or (2)) employed in the manner specified in respect of such authority in column (2) was employed or did operate as specified in an item included in respect of such authority in column (2) the officer shall at the specified time be transferred to the employment of the authority so included in column (3).

TABLE

(1)	(2)	(3)	(4)
The council of the metropolitan borough of Barking.	In the discharge of borough functions.	(ii), (iii) or (iv)	The council of the London borough of Newham.
The council of the borough of Dagenham or the urban district of Chigwell.	do.	(ii), (iii) or (iv)	The council of the London borough of Redbridge.
The London County Council or the county council of Middlesex.	do.	(vii) or (viii)	The London borough council to whom the relevant premises have been transferred.
The county council of Essex, Hertfordshire, Kent or Surrey.	do.	(xvi) or (xvii)	
The county council of Middlesex.	In the discharge of county functions.	(ix) or (x)	The county council to whom the relevant premises have been transferred.
The county council of Middlesex.	In the making, maintenance and repair of roads.	(xi) or (xii)	The urban district council to whom the relevant premises have been transferred.

(5) On any decision notified after 31st March 1965 that an officer of the council of the metropolitan borough of Wandsworth employed in the discharge of functions exercisable on and after 1st April 1965 by the council of an inner London borough was employed as specified in item (v), the officer shall at the specified time be transferred to the employment of the council of the London borough of Wandsworth or Lambeth, as the case may be.

(6) On any decision notified after 31st March 1965 that an officer of the council of the urban district of Chislehurst and Sidcup employed in the discharge of functions exercisable on and after 1st April 1965 by the council of an outer London borough was employed as specified in item (vi), the officer shall at the specified time be transferred to the employment of the council of the London borough of Bexley or Bromley, as the case may be.

(7) On any decision notified after 31st March 1965 that an officer of the London County Council or the county council of Middlesex was employed as specified in item (xiii), the Greater London Council shall, after such consultation as they consider appropriate, determine the specified council to whose employment he should be transferred, or whether he should be transferred to the employment of the Greater London Council or of a London borough council other than a specified council as if the proviso to article 6(7) had applied and the date upon which the officer should be so transferred. On such date the officer shall be transferred in accordance with the determination.

Given under the official seal of the Minister of Housing and Local Government on 26th January 1965.

(L.S.) *R. H. S. Crossman,*
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes general provision consequential on the London Government Act 1963 for the transfer, and protection of interests, of persons holding places, situations and employments under local authorities.