



Community Care and Health (Scotland) Act 2002

2002 asp 5

PART 2

JOINT WORKING ETC.

16 Transfer of staff

- (1) This section applies where, by virtue of section 15(4)(c) of this Act, a person is transferred from one entity (the “transferring authority”) to another (the “receiving authority”).
- (2) The contract of employment between the person and the receiving authority has effect from the date of transfer as if originally made between the person and the transferring authority.
- (3) Without prejudice to subsection (2) above—
 - (a) all the transferring authority’s rights, powers, duties and liabilities under or in connection with the contract transfer, by virtue of this paragraph, to the receiving authority on that date; and
 - (b) anything done before that date by or in relation to the transferring authority in respect of that contract or of the employee is deemed as from that date to have been done by or in relation to the receiving authority.
- (4) Subsections (2) and (3) above are without prejudice to any right of the person to terminate the contract of employment if the terms and conditions of employment are changed substantially to the detriment of the person; but change is not to be taken to have occurred by reason only of the fact that the employer is changed by virtue of section 15(4)(c) of this Act.
- (5) Where a person—
 - (a) has, prior to the date of transfer, entered into a contract of employment with the transferring authority and that contract is to come into effect on or after that date; and
 - (b) would, if the contract had come into effect before that date, have been a person to whom this section applies,

Status: This is the original version (as it was originally enacted).

the person is treated as one to whom this section does apply.