



# Protection of Vulnerable Groups (Scotland) Act 2007

2007 asp 14

## PART 5

### SUPPLEMENTARY AND GENERAL

#### **86      Transfer of Disclosure Scotland staff etc.**

- (1) Ministers may by order (a “staff transfer order”) make provision for persons employed by virtue of section 9 of the Police (Scotland) Act 1967 (c. 77) (employees other than constables) by the Strathclyde Joint Police Board (the “Police Board”) to transfer to, and become members of the staff of, the Scottish Administration.
- (2) A staff transfer order may specify particular persons, or types of person, to whom the order applies.
- (3) Subsections (4) to (9) apply where—
  - (a) a person is to be transferred by virtue of a staff transfer order, and
  - (b) immediately before the day on which the staff transfer order comes into force in relation to the person (the “transfer day”), the person has a contract of employment with the Police Board.
- (4) On and after the transfer day the contract of employment has effect as if originally made between the person and Ministers on behalf of the Crown.
- (5) On the transfer day, the rights, powers, duties and liabilities of the Police Board under or in connection with the contract of employment are transferred to Ministers.
- (6) Anything done before the transfer day by or in relation to the Police Board in respect of the contract of employment or the person is to be treated on and after that day as having been done by or in relation to Ministers.
- (7) If, before the transfer day, the person gives notice to Ministers or the Police Board that the person objects to becoming a member of staff of the Scottish Administration—
  - (a) the contract of employment with the Police Board is, on the day immediately preceding the day that would, but for the objection, have been the transfer day, terminated, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) the person is not to be treated (whether for the purpose of any enactment or otherwise) as having been dismissed by virtue of the giving of such notice.
- (8) Nothing in this section prejudices any right of the person to terminate the contract of employment if a substantial detrimental change in the person's working conditions is made.
- (9) Where—
  - (a) the identity of the person's employer changes by virtue of the making of a staff transfer order, and
  - (b) it is shown that, in all the circumstances, the change is significant and detrimental to the person,the person has the right to terminate the contract of employment.
- (10) A staff transfer order may make such further provision about such transfers as Ministers think fit.