

SCHEDULE 1 TRANSITIONAL PROVISIONS

Transfer of staff

- 1 (1) All staff, other than excepted staff, employed immediately before the coming into force of this paragraph in the Executive Agency of Ministers known as the Scottish Housing Regulator are transferred to, and become members of staff of, the Regulator. Accordingly—
 - (a) the contract of employment of a transferred person—
 - (i) is not terminated by the transfer, and
 - (ii) has effect from the date of transfer as if originally made between the person and the Regulator,
 - (b) all the rights, powers, duties and liabilities of Ministers under or in connection with a transferred person's contract of employment are transferred to the Regulator, and
 - (c) anything done before that date by or in relation to Ministers in respect of that contract of employment or a transferred person is to be treated from that date as having been done by, or in relation to, the Regulator.
- (2) The excepted staff are staff on secondment or loan to the Agency from another part of the Scottish Administration.
- (3) Sub-paragraph (1) does not affect the right of a transferred person to terminate that person's contract of employment if the terms of employment are changed substantially to the detriment of the person; but such a change is not to be taken to have occurred by reason only that the identity of that person's employer has changed.
- (4) A determination by Ministers that any member of their staff is employed as mentioned in sub-paragraph (1) or excepted by virtue of sub-paragraph (2) is conclusive of that fact for the purposes of this paragraph.