

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Public Services Reform (Scotland) Act 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE 3 **S**

### DISSOLUTION OF WATERWATCH SCOTLAND: ARRANGEMENTS FOR STAFF, PROPERTY ETC.

#### *Transfer of staff*

- 1 With effect from the date on which section 3 comes into force, any person—
- (a) employed by Waterwatch Scotland Limited, and
  - (b) who is, in the opinion of the Convener of the Water Customer Consultation Panels (in this schedule referred to as “the Convener”), primarily involved in assisting with the exercise of the functions of the Convener described in section 6A of the Water Industry (Scotland) Act 2002 (Convener to investigate complaints),
- is transferred to the employment of the Scottish Public Services Ombudsman.

#### **Commencement Information**

**II** Sch. 3 para. 1 in force at 15.8.2011 by [S.S.I. 2011/278](#), [art. 2\(e\)](#)

- 2 (1) With effect from the date on which section 3 comes into force, any person—
- (a) employed by Waterwatch Scotland Limited, and
  - (b) who is, in the opinion of the Convener, primarily involved in assisting with the exercise of the representative functions of the Convener,
- is transferred to the employment of the National Consumer Council.
- (2) For the purposes of sub-paragraph (1), the “representative functions” of the Convener are those functions relating to the representation of the views and interests of persons whose premises—
- (a) are connected to the public water supply system or the public sewerage system (within the meaning of Part 2 of the Water Services etc. (Scotland) Act 2005 (asp 3)) or both, or
  - (b) might reasonably become connected to either or both of those systems.

#### **Commencement Information**

**I2** Sch. 3 para. 2 in force at 15.8.2011 by [S.S.I. 2011/278](#), [art. 2\(e\)](#)

- 3 (1) This paragraph applies to any person who—
- (a) is (immediately before section 3 comes into force) employed by Waterwatch Scotland Limited, and
  - (b) in the opinion of the Convener, does not fall within the description of a person whose employment is to be transferred by virtue of paragraph 1 or 2(1).
- (2) The Convener must specify whether the person's employment is to transfer to the Scottish Public Services Ombudsman or to the National Consumer Council.
- (3) With effect from the date on which section 3 comes into force, the person is transferred to the employment of the employer specified by the Convener under sub-paragraph (2).
- (4) For the purposes of paragraphs 4 to 6—

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- (a) a person who is transferred to the employment of the Scottish Public Service Ombudsman by virtue of this paragraph is to be treated as though the transfer was by virtue of paragraph 1, and
- (b) a person who is transferred to the employment of the National Consumer Council by virtue of this paragraph is to be treated as though the transfer was by virtue of paragraph 2(1).

**Commencement Information**

**I3** Sch. 3 para. 3 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(e)**

- 4 The contract of employment of a person transferred by virtue of paragraph 1 or 2(1)—
- (a) is not terminated by the transfer, and
  - (b) has effect from the date of transfer as if originally made between the transferred person and the Scottish Public Services Ombudsman or, as the case may be, the National Consumer Council.

**Commencement Information**

**I4** Sch. 3 para. 4 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(e)**

- 5 Without prejudice to paragraph 4, where a person is transferred—
- (a) by virtue of paragraph 1—
    - (i) all the rights, powers, duties and liabilities of Waterwatch Scotland Limited under or in connection with the person's contract of employment are transferred to the Scottish Public Services Ombudsman on the date of the transfer, and
    - (ii) anything done before that date by or in relation to Waterwatch Scotland Limited in respect of the person or the contract is to be treated from that date as having been done by or in relation to the Scottish Public Services Ombudsman,
  - (b) by virtue of paragraph 2(1)—
    - (i) all the rights, powers, duties and liabilities of Waterwatch Scotland Limited under or in connection with the person's contract of employment are transferred to the National Consumer Council on the date of the transfer, and
    - (ii) anything done before that date by or in relation to Waterwatch Scotland Limited in respect of the person or the contract is to be treated from that date as having been done by or in relation to the National Consumer Council.

**Commencement Information**

**I5** Sch. 3 para. 5 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(e)**

- 6 Paragraphs 1 to 5 do not affect any right of any person so transferred to terminate the person's contract of employment if the terms and conditions of employment are changed substantially to the detriment of the person; but any such change is not to

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be taken to have occurred by reason only that the identity of the person's employer changes by virtue of those paragraphs.

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**Commencement Information**

**I6** Sch. 3 para. 6 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(e)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)