



Public Services Reform (Scotland) Act 2010 2010 asp 8

PART 6

HEALTH CARE: SCRUTINY AND IMPROVEMENT

109 Transfer of staff etc. to Healthcare Improvement Scotland

- (1) This subsection applies to such persons employed by the Scottish Commission for the Regulation of Care as the Scottish Ministers may by order specify.
- (2) An order under subsection (1) may specify any description of such employees or any individual such employee.
- (3) Section 102(1)(a), (3), (4) and (5) applies to those persons to whom subsection (1) of this section applies with the effect that they are transferred into the employment of Healthcare Improvement Scotland; and any reference to “SCSWIS” in section 102 is to be read as a reference to “Healthcare Improvement Scotland” in relation to those persons.
- (4) This subsection applies to such property (including rights) and liabilities of the Scottish Commission for the Regulation of Care as the Scottish Ministers may by order specify.
- (5) An order under subsection (4) may specify any description of such property or liabilities or any particular property or liability; but such an order may not include liabilities under or in connection with any person's contract of employment.
- (6) Section 102(1)(b) applies to such property and liabilities to which subsection (4) of this section applies with the effect that they are transferred to, and vest in, Healthcare Improvement Scotland.
- (7) The power to make an order under subsection (1)—
 - (a) must be exercised by statutory instrument,
 - (b) may be exercised so as to make different provision for different purposes.

Changes to legislation: Public Services Reform (Scotland) Act 2010, Section 109 is up to date with all changes known to be in force on or before 20 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (8) A statutory instrument containing an order under subsection (1) is subject to annulment in pursuance of a resolution of the Parliament.

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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\(2\)](#)