



# Public Services Reform (Scotland) Act 2010

2010 asp 8

## PART 4

### CREATIVE SCOTLAND

#### *Miscellaneous and general*

#### **42 Transfer of staff etc.**

- (1) With effect from the date on which section 41 comes into force—
  - (a) any person employed by—
    - (i) the Scottish Arts Council immediately before that date, or
    - (ii) Scottish Screen immediately before that date,is transferred into the employment of Creative Scotland,
  - (b) all property (including rights) and liabilities of—
    - (i) the Scottish Arts Council subsisting immediately before that date,
    - (ii) Scottish Screen subsisting immediately before that date,are transferred to, and vest in, Creative Scotland.
- (2) The contract of employment of a person transferred by virtue of subsection (1)(a)—
  - (a) is not terminated by the transfer, and
  - (b) has effect from the date of transfer as if originally made between the person and Creative Scotland.
- (3) Without prejudice to subsection (2), where a person is transferred by virtue of subsection (1)(a)—
  - (a) all the rights, powers, duties and liabilities of the Scottish Arts Council or, as the case may be, Scottish Screen, under or in connection with the person's contract of employment are transferred to Creative Scotland on the date of transfer, and
  - (b) anything done before that date by or in relation to the Scottish Arts Council or, as the case may be, Scottish Screen, in respect of the person or the contract

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*Status: This is the original version (as it was originally enacted).*

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is to be treated from that date as having been done by or in relation to Creative Scotland.

- (4) Subsections (1) to (3) 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 be taken to have occurred by reason only that the identity of the person's employer changes by virtue of those subsections.