

SCHEDULE 6
TRANSFER OF STAFF, PROPERTY ETC.

Transfers under paragraph 3: effect on contract of employment

- 4 (1) This paragraph applies where—
- (a) a person is to be transferred by virtue of a staff transfer scheme, and
 - (b) immediately before the transfer day the person has a contract of employment with a relevant employer.
- (2) The contract of employment has effect on and after the transfer day as if originally made between the person and SFRS.
- (3) The rights, powers, duties and liabilities of the relevant employer under or in connection with the contract of employment are by virtue of this paragraph transferred to SFRS on the transfer day.
- (4) Anything done before the transfer day by or in relation to the relevant employer 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 SFRS.
- (5) If, before the transfer day, the person informs the relevant employer that the person does not wish to become an employee of SFRS—
- (a) sub-paragraphs (2) to (4) do not apply in relation to the person, and
 - (b) the person's contract of employment is terminated on the day before the transfer day.
- (6) A person is not to be treated for any purpose as being dismissed by reason of the operation of any provision of this paragraph in relation to the person.
- (7) Nothing in this paragraph affects any right of a person to terminate the person's contract of employment if a substantial detrimental change in the person's working conditions is made.
- (8) No such right arises by reason only that, by virtue of this paragraph, the identity of the person's employer changes.
- (9) Before making a staff transfer scheme under paragraph 3, the Scottish Ministers must consult any local authority or other person whose rights, liabilities and obligations (or any of them) are to be transferred by virtue of the scheme.