



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 4

#### SCOTTISH HOMES

#### 84 Transfer of functions to the Scottish Ministers

The functions of Scottish Homes are transferred to the Scottish Ministers.

##### Commencement Information

- II** [S. 84](#) partly in force; [s. 84](#) not in force at Royal Assent see [s. 113](#); [s. 84](#) in force for specified purposes at 1.11.2001 by [S.S.I. 2001/397](#), [art. 2\(2\)](#), [Sch.](#) (subject to transitional provisions in [arts. 3-6](#))

#### 85 Property and liabilities

- (1) The Scottish Ministers may by order provide for the transfer to them, or to such other person as the order may specify, of any property and liabilities to which Scottish Homes is entitled or subject.
- (2) A certificate issued by the Scottish Ministers that any property or liability has, or has not, been transferred by subsection (1) is conclusive evidence of the transfer or (as the case may be) that there has not been a transfer.
- (3) Subsection (1) has effect in relation to property and liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of the property or liabilities.

##### Commencement Information

- I2** [S. 85](#) wholly in force at 1.11.2001, see [s. 113](#) and [S.S.I. 2001/397](#), [art. 2\(2\)](#), [Sch.](#) (subject to transitional provisions in [arts. 3-6](#))

*Status: Point in time view as at 01/11/2001. This version of this part contains provisions that are prospective.*

*Changes to legislation: Housing (Scotland) Act 2001, PART 4 is up to date with all changes known to be in force on or before 11 May 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)*

## PROSPECTIVE

**86 Transfer of staff**

- (1) The Scottish Ministers may by order make provision for the staff of Scottish Homes to transfer to, and become members of the staff of, the Scottish Administration.
- (2) The terms and conditions of appointment of a person who becomes a member of the staff of the Scottish Administration by virtue of subsection (1) are to be determined by the Scottish Ministers but, taken as a whole, must be not less favourable to that person than the terms on which the person was employed by Scottish Homes immediately before the transfer.
- (3) When a person becomes a member of the staff of the Scottish Administration by virtue of subsection (1), then, for the purposes of the Employment Rights Act 1996 (c.18), that person's period of employment by Scottish Homes counts as a period of service as a member of the staff of the Scottish Administration and the change of employment does not break the continuity of the period of employment.
- (4) Where a person ceases to be employed by Scottish Homes by virtue of subsection (1) that person is not, on ceasing to be so employed, to be treated—
  - (a) for the purposes of any scheme or regulations by virtue of the Superannuation Act 1972 (c.11) as having been retired on redundancy,
  - (b) for the purposes of Part XI of the Employment Rights Act 1996 (c.18) as having been dismissed by reason of redundancy.

**87 Dissolution etc.**

- (1) Scottish Homes is dissolved on such date as the Scottish Ministers may by order specify.
- (2) The Scottish Ministers may by order make such incidental, supplemental, consequential, transitional, transitory or saving provision as they think necessary or expedient in consequence of or in connection with—
  - (a) the transfer of functions, property, liabilities and staff of Scottish Homes, or
  - (b) the dissolution of Scottish Homes.

**Commencement Information**

- I3** S. 87 wholly in force at 1.11.2001, see s. 113 and S.S.I. 2001/397, art. 2(2), Sch. (subject to transitional provisions in arts. 3-6)

**Status:**

Point in time view as at 01/11/2001. This version of this part contains provisions that are prospective.

**Changes to legislation:**

Housing (Scotland) Act 2001, PART 4 is up to date with all changes known to be in force on or before 11 May 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.