

Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Cross Heading: Staff. (See end of Document for details)

1^{F1}SCHEDULE A1 WATER INDUSTRY COMMISSION FOR SCOTLAND

Textual Amendments

- F1** Sch. A1 inserted (20.6.2005 for the insertion of Sch. A1 paras. 1-7, 1.7.2005 in so far as not already in force) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 1](#) (with s. 36); [S.S.I. 2005/351](#), art. 2, sch. 1, sch. 2

Staff

- 8 (1) All staff employed, immediately before the coming into force of this sub-paragraph, by the Water Industry Commissioner for Scotland are transferred to the employment of the Commission.
- (2) The contract of employment of a person transferred by virtue of sub-paragraph (1)—
- (a) is not terminated by the transfer, and
 - (b) has effect from the date of transfer as if originally made between the person and the Commission.
- (3) Without prejudice to sub-paragraph (2), where a person becomes a member of staff of the Commission under sub-paragraph (1)—
- (a) all the rights, powers, duties and liabilities of the Water Industry Commissioner for Scotland under or in connection with that person's contract of employment are by virtue of this sub-paragraph transferred to the Commission on the date of transfer, and
 - (b) anything done before that date by or in relation to the Water Industry Commissioner for Scotland in respect of that contract of employment or that person is to be treated from that date as having been done by, or in relation to, the Commission.
- (4) Sub-paragraphs (1) to (3) do not prejudice the right of any person to terminate that person's contract of employment if the terms and conditions of employment are changed substantially to the detriment of the person; but such a change is not to be taken to have occurred by reason only that the identity of that person's employer changes by virtue of those sub-paragraphs.
- (5) The Commission may, with the consent of the Scottish Ministers as to numbers, terms and conditions, appoint such other employees as it considers appropriate.
- (6) The Commission must, as regards such of its employees as it may with the approval of the Scottish Ministers determine, make such arrangements as it considers appropriate for providing, to or in respect of those employees, pensions, allowances or gratuities.
- (7) Such arrangements—
- (a) may include the establishment and administration, by the Commission or otherwise, of one or more pension schemes, and
 - (b) must, in any case, be approved by the Scottish Ministers.
- (8) The reference in sub-paragraph (6) to the provision of pensions, allowances or gratuities includes a reference to their provision by way of compensation for loss of office or employment or loss or diminution of emoluments.]

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