



Water Services etc. (Scotland) Act 2005

2005 asp 3

PART 2

PROVISION OF WATER AND SEWERAGE SERVICES

Scottish Water: water and sewerage services undertaking

15 Transfer of staff etc. to the undertaking

- (1) Scottish Water must, following a requirement made by the Scottish Ministers to do so, transfer such of its staff to the employment of the business undertaking established under section 13(1) as are necessary for the purposes of or in connection with the matters mentioned in subsection (8).
- (2) The contract of employment of a person transferred by virtue of subsection (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 - (b) has effect from the date of transfer as if originally made between the person and the undertaking.
- (3) Without prejudice to subsection (2), where a person is transferred to the employment of the undertaking by virtue of subsection (1)—
 - (a) all the rights, powers, duties and liabilities of Scottish Water under or in connection with the person's contract of employment are transferred to the undertaking on the date of transfer; and
 - (b) anything done before that date by or in relation to Scottish Water in respect of the person or that contract is to be treated from that date as having been done by or in relation to the undertaking.
- (4) Subsections (1) to (3) do not affect any right of any person 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 such a 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.
- (5) Scottish Water must, following a requirement made by the Scottish Ministers to do so, transfer such of its property (including rights) and liabilities to the undertaking

Status: This is the original version (as it was originally enacted).

as are necessary for the purposes of or in connection with the matters mentioned in subsection (8).

- (6) A transfer by virtue of subsection (5) may be—
- (a) to such extent; and
 - (b) subject to such conditions,
- as Scottish Water may, with the consent of the Scottish Ministers, determine.
- (7) A transfer by virtue of subsection (5)—
- (a) has effect in relation to any property and liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or prohibit the transfer of the property or liabilities; and
 - (b) has the effect of vesting in the undertaking any property or liabilities to which it applies.
- (8) For the purpose of subsections (1) and (5), those matters are—
- (a) applications by the undertaking for water services and sewerage services licences; and
 - (b) the performance by the undertaking of its activities.