
Changes to legislation: *There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Cross Heading: Continuity of employment etc.. (See end of Document for details)*

SCHEDULE 1
THE SCOTTISH FURTHER AND HIGHER EDUCATION FUNDING COUNCIL

Continuity of employment etc.

- 8 (1) The contract of employment of a person transferred by virtue of paragraph 6(2) or 7(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 - (b) has effect from the date of transfer as if originally made between the person and the Council.
- (2) Without prejudice to sub-paragraph (1), where a person is transferred to the employment of the Council by virtue of paragraph 6(2) or 7(1)—
- (a) all the rights, powers, duties and liabilities of the Scottish Further Education Funding Council or the Scottish Higher Education Funding Council under or in connection with the person's contract of employment are transferred to the Council on the date of transfer; and
 - (b) anything done before that date by or in relation to the Scottish Further Education Funding Council or the Scottish Higher Education Funding Council 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 Council.
- (3) Paragraphs 6(2) and 7(1) and sub-paragraphs (1) and (2) of this paragraph 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 provisions.

Commencement Information

II Sch. 1 para. 8 in force at 3.10.2005 by [S.S.I. 2005/419](#), **art. 2(1)**

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