

SCHEDULE 7  
TRANSFER OF STAFF, PROPERTY AND LIABILITIES  
AND TRANSITIONAL AND SAVING PROVISIONS

PART 1

TRANSFER OF STAFF, PROPERTY AND LIABILITIES TO COMMISSION  
FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND

*Staff*

- 1 (1) On the coming into force of this schedule, each person who was, immediately before then, one of the—
- (a) employees appointed by the Chief Investigating Officer under section 9(4) of the Ethical Standards Act, or
  - (b) staff appointed by—
    - (i) the Scottish Parliamentary Standards Commissioner under paragraph 2 of the schedule to the Parliamentary Standards Act, or
    - (ii) the Commissioner for Public Appointments in Scotland under paragraph 8 of schedule 1 to the Public Appointments Act,transfers to and becomes a member of the staff of the Commission for Ethical Standards in Public Life in Scotland (in this paragraph and paragraph 2, “the Commission”).
- (2) The contract of employment of a person who becomes a member of staff of the Commission by virtue of sub-paragraph (1)—
- (a) is not terminated by the transfer, and
  - (b) has effect from the coming into force of this schedule as if originally made between the person and the Commission.
- (3) Without prejudice to sub-paragraph (2)—
- (a) all the previous employer’s rights, powers, duties and liabilities under or in connection with the person’s contract of employment are, on the coming into force of this schedule, transferred to the Commission, and
  - (b) anything done by the previous employer before then in respect of that contract or that person is to be treated from then as having been done by the Commission.
- (4) In sub-paragraph (3), the “previous employer” is the Chief Investigating Officer, the Scottish Parliamentary Standards Commissioner or, as the case may be, the Commissioner for Public Appointments in Scotland.
- (5) This paragraph does not prejudice any 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 that person; but 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 this paragraph.

*Property and liabilities*

- 2 (1) On the coming into force of this schedule, all property (including rights) to which, immediately before then, a previous officeholder was entitled and liabilities to which,

*Status: This is the original version (as it was originally enacted).*

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immediately before then, a previous officeholder was subject transfer to and vest in the Commission.

- (2) Sub-paragraph (1) has effect in relation to the property (including rights) and liabilities referred to in it despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict their transfer.
- (3) In sub-paragraph (1), a “previous officeholder” is any of the officeholders referred to in paragraph 1(4).