
Changes to legislation: Children's Hearings (Scotland) Act 2011, Paragraph 4 is up to date with all changes known to be in force on or before 26 May 2023. 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) View outstanding changes

SCHEDULE 4 TRANSFER OF STAFF AND PROPERTY TO CHS

Effect on existing contracts of employment

- 4 (1) This paragraph applies where—
- (a) a person is to be transferred by virtue of a staff transfer order, and
 - (b) immediately before the transfer day the person has a contract of employment with the relevant employer.
- (2) On and after the transfer day the contract of employment has effect as if originally made between the person and CHS.
- (3) On the transfer day the rights, powers, duties and liabilities of the relevant employer under or in connection with the contract of employment of the person are transferred to CHS.
- (4) Anything done before the transfer day by or in relation to the relevant employer in respect of the contract of employment or the person is to be treated on and after that day as having been done by or in relation to CHS.
- (5) If, before the transfer day, the person gives notice to CHS or the relevant employer that the person objects to becoming a member of staff of CHS—
- (a) the contract of employment with the relevant employer is, on the day immediately preceding the day that would, but for the objection, have been the transfer day, terminated, and
 - (b) the person is not to be treated (whether for the purpose of any enactment or otherwise) as having been dismissed by virtue of the giving of such notice.
- (6) Nothing in this schedule prejudices any right of the person to terminate the contract of employment if a substantial detrimental change in the person's working conditions is made.
- (7) The person has the right to terminate the contract of employment if—
- (a) the identity of the relevant employer changes by virtue of the making of the staff transfer order, and
 - (b) it is shown that, in all the circumstances, the change is significant and detrimental to the person.
- (8) In this paragraph “relevant employer”, in relation to a person, means—
- (a) where the person has a contract of employment with SCRA, SCRA,
 - (b) where the person has a contract of employment with a local authority, the local authority.

Commencement Information

II Sch. 4 para. 4 in force at 24.6.2013 by S.S.I. 2013/195, arts. 2, 3

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17A inserted by [2020 asp 16 s. 6\(2\)](#)
- s. 25(3) inserted by [2020 asp 16 s. 30\(7\)](#)
- s. 27(3)-(4A) substituted for s. 27(3)(4) by [2020 asp 16 s. 3\(2\)](#)
- s. 62(5)(q)-(u) inserted by [2020 asp 9 s. 8\(2\)\(b\)](#)
- s. 163(2)-(2B) substituted for s. 163(2) by [2020 asp 16 s. 27\(3\)\(b\)](#)
- s. 164(2)-(2B) substituted for s. 164(2) by [2020 asp 16 s. 27\(4\)\(b\)](#)
- s. 165(2)-(2B) substituted for s. 165(2) by [2020 asp 16 s. 27\(5\)\(b\)](#)