
Changes to legislation: Courts Reform (Scotland) Act 2014, Cross Heading: Transfer of staff 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 THE SCOTTISH COURTS AND TRIBUNALS SERVICE

PART 2

TRANSITIONAL PROVISION

Transfer of staff

- 2 (1) Sub-paragraph (2) applies to persons who, on the coming into force of this paragraph, are members of the staff of the Scottish Ministers assigned to the part of the Scottish Administration known as the Scottish Tribunals Service (referred to in this paragraph as “the Service”), other than excepted staff.
- (2) On the coming into force of this paragraph, those members of staff transfer to, and become members of the staff of, the Scottish Courts and Tribunals Service (referred to in this paragraph as “the SCTS”).
- (3) The excepted staff are staff on secondment or loan to the Service from another part of the Scottish Administration.
- (4) The contract of employment of a person who becomes a member of the staff of the SCTS by virtue of sub-paragraph (2)—
- (a) is not terminated by the transfer, and
 - (b) has effect from the date this paragraph comes into force as if originally made between the person and the SCTS.
- (5) Without prejudice to sub-paragraph (4)—
- (a) all the rights, powers, duties and liabilities of the Scottish Ministers under or in connection with the person's contract of employment are by virtue of this sub-paragraph transferred to the SCTS on the date on which this paragraph comes into force, and
 - (b) anything done before that date by or in relation to the Scottish Ministers 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 SCTS.
- (6) 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 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 this paragraph.
- (7) A determination by the Scottish Ministers that any member of their staff is—
- (a) employed as mentioned in sub-paragraph (1), or
 - (b) excepted staff by virtue of sub-paragraph (3),
- is conclusive of that fact for the purposes of this paragraph.

Commencement Information

II Sch. 4 para. 2 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

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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):

- sch. 1 para. 5A and cross-heading inserted by [2020 asp 9 s. 9](#)
- sch. 1 para. 2(g)(h) inserted by [2021 asp 16 s. 15\(8\)](#)