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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 199**

**The Designation of Bell College of  
Technology (Scotland) Order 2001**

**Transfer of staff**

5.—(1) Where a person is employed immediately before the transfer date by the Board of Management their contract of employment shall have effect on and after that date as if originally made between them and the governing body.

(2) Without prejudice to paragraph (1) above—

- (a) all the rights, powers, duties and liabilities of the Board of Management under or in connection with a contract to which that paragraph applies shall by virtue of this paragraph be transferred to the governing body on the transfer date; and
- (b) anything done before that date by or in relation to the Board of Management in respect of that contract or the employee shall be deemed on and after that date to have been done by or in relation to the governing body.

(3) Paragraphs (1) and (2) above are without prejudice to any right of an employee to terminate their contract of employment if the terms and conditions of their employment are changed substantially to their detriment, but such change shall not be taken to have occurred by reason only of the fact that their employer is changed by virtue of this article.

(4) Where a person—

- (a) has, prior to the transfer date, entered into a contract of employment with the Board of Management which is to come into effect on or after that date; and
- (b) would, if the contract had come into effect before that date, have been an employee to whom the provisions of this article would have applied, that person shall be treated for the purposes of this article as if they were such an employee.