
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 237

The Elmwood College, Oatridge College and The Barony College (Transfer and Closure) (Scotland) Order 2012

Transfer of staff

5.—(1) All employees of each of the Barony Board, the Elmwood Board and the Oatridge Board are transferred to The Scottish Agricultural College and the contract of employment of each such employee has effect as if originally made between each such employee and The Scottish Agricultural College.

(2) In particular—

- (a) all the rights, powers, duties and liabilities of each of the Barony Board, the Elmwood Board and the Oatridge Board under or in connection with a contract to which paragraph (1) applies are transferred to The Scottish Agricultural College; and
- (b) anything done before the transfer by or in relation to each of the Barony Board, the Elmwood Board and the Oatridge Board in respect of that contract or the employee shall be deemed to have been done by or in relation to The Scottish Agricultural College.

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

(4) Paragraphs (1) and (2) apply to a person who has entered into a contract of employment with one of the Barony Board, the Elmwood Board or the Oatridge Board which is to come into effect after the coming into force of this article, and who would, if the contract had come into effect before that date, have been an employee to whom those paragraphs would have applied.