

SCHEDULE

Article 5

Transfer of staff

1. This schedule applies to persons who, on the coming into force of this Order, are members of the staff of the Scottish Ministers employed in the Scottish Land Court, other than the principal clerk of the Scottish Land Court.

2. On the coming into force of this Order, those members of staff transfer to, and become members of the staff of, the Scottish Courts and Tribunals Service (“the SCTS”).

3. The contract of employment of a person who becomes a member of the staff of the SCTS by virtue of this schedule—

- (a) is not terminated by the transfer; and
- (b) has effect from the date on which this Order comes into force as if originally made between the person and the SCTS.

4. Without prejudice to paragraph 3—

- (a) all the rights, powers, duties and liabilities of the Scottish Ministers under or in connection with the person’s contract of employment are transferred to the SCTS on the date on which this Order comes into force; and
- (b) anything done before that date by or in relation to the Scottish Land Court 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.

5. This schedule 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 schedule.

6. A determination by the Scottish Ministers that any member of their staff is employed as mentioned in paragraph 1 is conclusive of that fact for the purposes of this schedule.