



National Health Service (Scotland) Act 1972

1972 CHAPTER 58

PART V

TRANSFER OF PROPERTY, RIGHTS, LIABILITIES AND STAFF

35 Supplementary order making powers.

- (1) Any direction or order made under sections 29 to 34 of this Act may contain provision for the determination of any question which may arise as to whether a person is wholly or mainly employed for a particular purpose, or as to what capacity or class he is employed in, by such body or person as may be specified in the direction or order.
- (2) Any direction or order made under sections 29 to 34 of this Act may provide that, for the purposes of any enactment specified in the direction or order, there shall be deemed to have been no break in the employment of any person who is transferred by virtue of those sections from the employment of one body to that of another, and any such direction or order shall include such provision with respect to any such person so as to secure that—
 - (a) so long as he continues in the employment of that other body by virtue of the transfer, and until he is served with a statement in writing referring to the direction or order and specifying new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable, taken as a whole, than those which he enjoyed immediately before the date of transfer; and
 - (b) the said new terms and conditions are such that—
 - (i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and
 - (iii) the other terms and conditions of his employment,are not less favourable, taken as a whole, than those which he enjoyed immediately before the date of transfer.

Changes to legislation:

There are currently no known outstanding effects for the National Health Service (Scotland) Act 1972, Section 35.