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STATUTORY INSTRUMENTS

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**2000 No. 935**

**The Public Finance and Accountability (Scotland)  
Act 2000 (Transfer of NAO Staff etc.) Order 2000**

**Transfer of staff to Audit Scotland**

3.—(1) With effect from 1st April 2000 each person who was, immediately before that date, employed as a member of the staff of the National Audit Office and whose principal place of employment as such was at that time in the City of Edinburgh shall transfer to and become a member of the staff of Audit Scotland.

(2) The terms and conditions of appointment of such a person are to be determined by Audit Scotland but, taken as a whole, must be not less favourable to the person transferred than the terms on which that person was employed immediately before the transfer.

(3) Where a person becomes a member of the staff of Audit Scotland by virtue of paragraph (1), then, for the purposes of the Employment Rights Act 1996<sup>(1)</sup>, that person's period of employment as a member of the staff of the National Audit Office counts as a period of employment by Audit Scotland and the change of employment does not break the continuity of the period of employment.

(4) Where a person ceases to be employed as a member of the staff of the National Audit Office by virtue of paragraph (1) that person is not, on ceasing to be so employed, to be treated—

- (a) for the purposes of any scheme or regulations by virtue of the 1972 Act as having been retired on redundancy,
- (b) for the purposes of Part XI of the Employment Rights Act 1996 as having been dismissed by reason of redundancy.