
STATUTORY INSTRUMENTS

2000 No. 935 (S. 2)

**TERMS AND CONDITIONS OF
EMPLOYMENT, SCOTLAND**

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

Made - - - - 30th March 2000
Coming into force - - 1st April 2000

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament in accordance with section 115 of, and paragraphs 1, 2 and 3 of Schedule 7 to, the Scotland Act 1998⁽¹⁾;

Now, therefore, in exercise of the powers conferred upon me by sections 104, 112(1), and 113 of that Act and of all other powers enabling me in that behalf I hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Public Finance and Accountability (Scotland) Act 2000 (Transfer of NAO Staff etc.) Order 2000 and shall come into force on 1st April 2000.

Interpretation

2. In this Order—

“the 1972 Act” means the Superannuation Act 1972⁽²⁾;

“Audit Scotland” means the body corporate established by section 10 of the Public Finance and Accountability (Scotland) Act 2000⁽³⁾;

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.

(1) 1998 c. 46.
(2) 1972 c. 11.
(3) 2000 asp1.

(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(4), 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.

Superannuation

4.—(1) Employment with Audit Scotland shall be included among the kinds of employment to which a scheme under section 1 of the 1972 Act can apply.

(2) The office of Auditor General for Scotland shall be included among the offices to which a scheme under section 1 of the 1972 Act can apply.

(3) Accordingly in Schedule 1 to the 1972 Act in the appropriate places—

- (a) “Audit Scotland” shall be added to the list of “other bodies”; and
- (b) “Auditor General for Scotland” shall be added to the list of offices.

(4) Audit Scotland shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to this article in the sums payable under the 1972 Act out of money provided by Parliament.

Delegation and Contracting Out

5.—(1) The Minister for the Civil Service may, to such extent and subject to such conditions as he thinks fit, delegate to any person the function of administering a scheme under section 1 of the 1972 Act, so far as it relates to employees of Audit Scotland or the office of Auditor General for Scotland.

(2) A person to whom the function referred to in paragraph (1) is delegated may, to such extent and subject to such conditions as he may determine, authorise the exercise of that function by, or by employees of, any person.

(3) Where a person is authorised under paragraph (2) to exercise that function, anything done or omitted to be done, by or in relation to him (or an employee of his) in, or in connection with, the exercise or purported exercise of that function shall be treated for all purposes as done or omitted to be done by the person who authorised him.

(4) Paragraph (3) above does not apply for the purposes of—

- (a) any criminal proceedings against the authorised person (or any employee of his); or
- (b) any contract between him and the person who authorised him, so far as relating to that function.

Transfer of property, rights and liabilities to Audit Scotland

6. On 1st April 2000 all rights and liabilities to which the Comptroller and Auditor General was entitled or subject immediately before that date in respect of corporeal moveable property held in the City of Edinburgh, and any incorporeal rights and liabilities so far as relating to such property shall transfer to and vest in Audit Scotland.

Dover House,
London
30th March 2000

BRIAN WILSON
Scotland Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequential on the Public Finance and Accountability (Scotland) Act 2000. In particular it provides for the transfer of staff from the National Audit Office to Audit Scotland at the time when the Auditor General for Scotland assumes responsibility for certain matters which are currently the responsibility of the Comptroller and Auditor General. The Order also provides for the transfer of specified rights and liabilities from the Comptroller and Auditor General to Audit Scotland.