

SCHEDULE 5 TRANSFER OF STAFF, PROPERTY ETC. TO HISTORIC ENVIRONMENT SCOTLAND

Transfers under paragraph 1: effect on contract of employment

- 3 (1) This paragraph applies where—
- (a) a person is to be transferred by virtue of a staff transfer scheme, and
 - (b) immediately before the transfer date the person has a contract of employment with—
 - (i) the Royal Commission on the Ancient and Historical Monuments of Scotland, or
 - (ii) the Scottish Ministers.
- (2) The contract of employment has effect on and after the transfer date as if originally made between the person and Historic Environment Scotland.
- (3) The rights, powers, duties and liabilities of the Royal Commission on the Ancient and Historical Monuments of Scotland or, as the case may be, the Scottish Ministers under or in connection with the contract of employment are by virtue of this paragraph transferred to Historic Environment Scotland on the transfer date.
- (4) Anything done before the transfer date by or in relation to the Royal Commission on the Ancient and Historical Monuments of Scotland or, as the case may be, the Scottish Ministers in respect of the contract of employment or the person is to be treated on and after that date as having been done by or in relation to Historic Environment Scotland.
- (5) If, before the transfer date, the person informs the Royal Commission on the Ancient and Historical Monuments of Scotland or, as the case may be, the Scottish Ministers that the person does not wish to become an employee of Historic Environment Scotland—
- (a) sub-paragraphs (2) to (4) do not apply in relation to the person, and
 - (b) the person's contract of employment is terminated on the day before the transfer date.
- (6) A person is not to be treated for any purpose as being dismissed by reason of the operation of any provision of this paragraph in relation to the person.
- (7) Nothing in this paragraph affects any right of a person to terminate the person's contract of employment if a substantial detrimental change in the person's working conditions is made.
- (8) No such right arises by reason only that, by virtue of this paragraph, the identity of the person's employer changes.