
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 179

**The Adam Smith College, Fife
(Transfer and Closure) Order 2013**

Transfer of staff

5.—(1) All employees of the Adam Smith Board are transferred to the Carnegie Board and the contract of employment of each such employee has effect as if originally made between each such employee and the Carnegie Board.

(2) In particular—

- (a) all the rights, powers, duties and liabilities of the Adam Smith Board under or in connection with a contract to which paragraph (1) applies are, by virtue of this paragraph, transferred to the Carnegie Board; and
- (b) anything done before the transfer referred to in paragraph (1) by or in relation to the Adam Smith Board in respect of that contract or the employee is deemed, on and after that transfer, to have been done by or in relation to the Carnegie Board.

(3) Paragraphs (1) and (2) are without prejudice to any right of an employee to terminate their contract of employment if the terms and conditions of employment are changed substantially to the detriment of that employee, but such change is not to be taken to have occurred by reason only of the fact that the employer under that employee's contract of employment is changed by virtue of this article.

(4) Paragraphs (1) and (2) apply to a person who has entered into a contract of employment with the Adam Smith Board, which is to come into effect after the coming into force of this article and who would, if the contract had come into effect before that date, have been an employee to whom those paragraphs would have applied.