

Changes to legislation: Housing (Scotland) Act 1988, Paragraph 12 is up to date with all changes known to be in force on or before 01 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

^{F1}SCHEDULE 1

Textual Amendments

- F1** Sch. 1 repealed (1.11.2001) by 2001 asp 10, s. 112, Sch. 10 para. 14(10); S.S.I. 2001/397, art. 2(2), Sch. Table (subject to transitional provisions in arts. 3-6)

Staff

- 12 (1) Where a person becomes an employee of Scottish Homes in consequence of an offer made under paragraph 11 above, then, for the purposes of [^{F1}the Employment Rights Act 1996], his period of employment with the Scottish Special Housing Association or, as the case may be the Housing Corporation, shall count as a period of employment by Scottish Homes, and the change of employment shall not break the continuity of the period of employment.
- (2) Where an offer is made in pursuance of paragraph 11(1) above to any person employed as is mentioned in that paragraph, none of the agreed redundancy procedures applicable to such a person shall apply to him and where that person ceases to be so employed—
- (a) on becoming a member of the staff of Scottish Homes in consequence of that paragraph; or
 - (b) having unreasonably refused the offer,
- ^{F2} . . . he shall not be treated for the purposes of any scheme under section 24 of the ^{M1}Superannuation Act 1972 or any other scheme as having been retired on redundancy.
- (3) Without prejudice to sub-paragraph (2) above, where a person has unreasonably refused an offer made to him in pursuance of paragraph 11(1)(b) above the Housing Corporation shall not terminate that person's employment unless it has first had regard to the feasibility of employing him in a suitable alternative position with it.
- (4) Where a person continues in employment in the Scottish Special Housing Association or, as the case may be, the Housing Corporation either—
- (a) not having unreasonably refused an offer made to him in pursuance of this paragraph; or
 - (b) not having been placed in a suitable alternative position as mentioned in sub-paragraph (3) above,
- he shall be treated for all purposes as if the offer mentioned in paragraph 11(1) above had not been made.

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Textual Amendments

- F1** Words in [Sch. 1 para. 12\(1\)](#) substituted (22.8.1996) by [1996 c. 18, ss. 240, 243](#), [Sch. 1 para. 39](#) (with [ss. 191-195, 202](#))
- F2** Words in [Sch. 1 para. 12\(2\)](#) repealed (22.8.1996) by [1996 c. 18, ss. 242, 243](#), [Sch. 3 Pt. I](#) (with [ss. 191-195, 202](#))
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Marginal Citations

- M1** [1972 c. 11](#).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1)(aa) and word inserted by [2001 asp 10 s. 50\(2\)\(c\)](#)
- s. 66(2A) inserted by [2001 asp 10 s. 50\(3\)](#)
- s. 66(5A) inserted by [2001 asp 10 s. 50\(4\)](#)
- sch. 17 para. 19-26 repealed by [2014 asp 14 sch. 2 para. 5\(4\)](#)