



# Education (Scotland) Act 1996

## 1996 CHAPTER 43

### PART I

#### THE SCOTTISH QUALIFICATIONS AUTHORITY

##### *Staff*

#### **18 Transfer of staff to SQA.**

- (1) This section applies to any person (in this section referred to as a “qualifying person”) who, immediately before the transfer date, is employed by an existing body.
- (2) The contract of employment between a qualifying person and the existing body shall have effect from the transfer date as if originally made between him and SQA.
- (3) Without prejudice to subsection (2) above—
  - (a) all the existing body’s rights, powers, duties and liabilities under or in connection with a contract to which that subsection applies shall by virtue of this paragraph be transferred to SQA on the transfer date; and
  - (b) anything done before that date by or in relation to the existing body in respect of that contract or the qualifying person shall be deemed from that date to have been done by or in relation to SQA.
- (4) Subsections (2) and (3) above are without prejudice to any right of a qualifying person to terminate his contract of employment if the terms and conditions of his employment are changed substantially to his detriment; but such change shall not be taken to have occurred by reason only of the fact that his employer is changed by virtue of this section.
- (5) Where a person—
  - (a) has, prior to the transfer date, entered into a contract of employment with an existing body which is to come into effect on or after that date; and
  - (b) would, if the contract had come into effect before that date, have been a qualifying person,

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**Changes to legislation:** *There are currently no known outstanding effects for the Education (Scotland) Act 1996, Section 18. (See end of Document for details)*

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he shall be treated for the purposes of this section as if he were a qualifying person.

- (6) In this section references to the terms and conditions of a person's contract of employment with an existing body shall be construed as including references to any rights (whether accrued or contingent) under any pension or superannuation scheme of which he was a member by virtue of his employment with the body.

**Changes to legislation:**

There are currently no known outstanding effects for the Education (Scotland) Act 1996, Section 18.