
Changes to legislation: Police and Fire Reform (Scotland) Act 2012, Cross Heading: Transfer of police staff is up to date with all changes known to be in force on or before 27 June 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

SCHEDULE 5
TRANSFER OF CONSTABLES, STAFF AND PROPERTY ETC.

Transfer of police staff

- 11 (1) An individual is a “police employee” for the purposes of this paragraph if the individual—
- (a) is employed, immediately before the appointed day—
 - (i) by a joint police board under section 9 of the 1967 Act (or is otherwise employed by a joint police board),
 - (ii) by the SPSA under paragraph 9(1) or 10(1) of schedule 1 to the 2006 Act, or
 - (b) being an employee of a local authority, is identified by a staff transfer scheme made under paragraph 12 as an individual, or type of individual, who is to be treated as a police employee.
- (2) A police employee's contract of employment has effect on and after the appointed day as if originally made between the employee and the Scottish Police Authority.
- (3) It is for the Scottish Police Authority to determine whether a police employee is, on and after the appointed day, to be treated as having been appointed as a member of the police staff under section 26 or as a member of the Authority's staff under paragraph 6 of schedule 1.
- (4) The rights, powers, duties and liabilities of the relevant authority under or in connection with the contract of employment are by virtue of this paragraph transferred to the Scottish Police Authority on the appointed day.
- (5) Anything done before the appointed day by or in relation to the relevant authority in respect of the contract of employment or the police employee is to be treated on and after that day as having been done by or in relation to the Scottish Police Authority.
- (6) If, before the appointed day, a police employee informs the relevant authority that the person does not wish to become an employee of the Scottish Police Authority—
- (a) sub-paragraphs (2), (4) and (5) do not apply in relation to the police employee, and
 - (b) the employee's contract of employment is terminated on the appointed day.
- (7) A police employee 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 employee.
- (8) Nothing in this paragraph affects any right of a police employee to terminate the police employee's contract of employment if a substantial detrimental change in the police employee's working conditions is made.
- (9) No such right arises by reason only that, by virtue of this paragraph, the identity of the police employee's employer changes.
- (10) In this paragraph “relevant authority” means the joint police board or authority which employs the individual concerned immediately before the appointed day.

Commencement Information

II Sch. 5 para. 11 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

Changes to legislation:

Police and Fire Reform (Scotland) Act 2012, Cross Heading: Transfer of police staff is up to date with all changes known to be in force on or before 27 June 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.

[View outstanding changes](#)

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):

- Ch. 12A inserted by [2017 asp 4 s. 1\(1\)](#)
- s. 17(2)(h) inserted by [2017 asp 4 s. 2\(a\)\(ii\)](#)
- s. 17(4)(b)(iv) inserted by [2017 asp 4 s. 2\(b\)\(ii\)](#)
- s. 20A inserted by [2017 asp 4 s. 3](#)