
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 407

**The Northern College of Education
(Closure) (Scotland) Order 2001**

Transfer of staff

6.—(1) Where a person is employed immediately before 1st December 2001 by the governing body of the College that person's contract of employment shall have effect on and after 1st December 2001 as if originally made between that person and the governing body of Aberdeen University (if transferred in accordance with Article 4(1)) or the governing body of Dundee University (if transferred in accordance with Article 4(2)).

(2) Without prejudice to paragraph (1) above—

- (a) all the rights, powers, duties and liabilities of the governing body of the College under or in connection with a contract to which that paragraph applies shall by virtue of this paragraph be transferred to the governing body of Aberdeen University in accordance with Article 4(1) or the governing body of Dundee University in accordance with Article 4(2) on 1st December 2001; and
- (b) anything done before that date by or in relation to the governing body of the College in respect of that contract or the employee shall be deemed on and after that date to have been done by or in relation to the governing body of Aberdeen University (if transferred in accordance with Article 4(1)) or the governing body of Dundee University (if transferred in accordance with Article 4(2)).

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

(4) Where a person—

- (a) has, prior to 1st December 2001, entered into a contract of employment with the governing body of the College 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 an employee to whom the provisions of this Article would have applied,

that person shall be treated for the purposes of this Article as such an employee.