

SCHEDULE 3

Article 5

Transfer of staff, property and liabilities

Staff

1.—(1) On the coming into force of this Order, each person who was, immediately before then, a member of the staff of the Commission for Ethical Standards in Public Life in Scotland (“the Commission”) transfers to and becomes a member of the staff of the Commissioner for Ethical Standards in Public Life in Scotland (“the Commissioner”).

(2) The contract of employment of a person who becomes a member of staff of the Commissioner by virtue of sub-paragraph (1)—

- (a) is not terminated by the transfer; and
- (b) has effect from the coming into force of this Order as if originally made between the person and the Commissioner.

(3) Without prejudice to sub-paragraph (2)—

- (a) all the previous employer’s rights, powers, duties and liabilities under or in connection with the person’s contract of employment are, on the coming into force of this Order, transferred to the Commissioner; and
- (b) anything done by the Commission before then in respect of that contract or that person is to be treated from then as having been done by the Commissioner.

(4) This paragraph does not prejudice any right of any person to terminate that person’s contract of employment if the terms and conditions of employment are changed substantially to the detriment of that person, but a change is not to be taken to have occurred by reason only that the identity of the person’s employer changes by virtue of this paragraph.

Property and liabilities

2.—(1) On the coming into force of this Order, all property (including rights) to which, immediately before then, a previous body or officeholder was entitled and liabilities to which, immediately before then, a previous body or officeholder was subject transfer to and vest in the Commissioner for Ethical Standards in Public Life in Scotland.

(2) Sub-paragraph (1) has effect in relation to the property (including rights) and liabilities referred to in it despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict their transfer.

(3) In sub-paragraph (1), a “previous body or officeholder” means the Public Standards Commissioner for Scotland, the Public Appointments Commissioner for Scotland or, as the case may be, the Commission for Ethical Standards in Public Life in Scotland.