
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 268

**The Banff and Buchan College of Further Education
(Transfer and Closure) (Scotland) Order 2013**

Transfer of staff

5.—(1) All employees of the Banff and Buchan Board are transferred to the Aberdeen Board and the contract of employment of each such employee has effect as if originally made between each such employee and the Aberdeen Board.

(2) In particular—

- (a) all the rights, powers, duties and liabilities of the Banff and Buchan Board under or in connection with a contract to which paragraph (1) applies are, by virtue of this paragraph, transferred to the Aberdeen Board; and
- (b) anything done before the transfer referred to in paragraph (1) by or in relation to Banff and Buchan Board in respect of that contract or the employee is deemed, on and after that transfer, to have been done by or in relation to the Aberdeen Board.

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

(4) Paragraphs (1) and (2) apply to a person who has entered into a contract of employment with the Banff and Buchan Board, which is to come into effect after the coming into force of this article and who would, if the contract had come into effect before that date, have been an employee to whom those paragraphs would have applied.