

SCHEDULE 3

TRANSITIONAL, SUPPLEMENTARY AND SAVING PROVISIONS

PART 3

TRANSFER OF FUNCTIONS ETC

Transfer of staff

- 5 (1) On the appointed day the members of the staff of the Auditor General are transferred to the employment of the WAO.
- (2) For any purpose relating to a person who becomes an employee of the WAO by virtue of sub-paragraph (1)—
- (a) that person’s contract of employment—
 - (i) is not terminated by the transfer, and
 - (ii) has effect from the appointed day as if originally made between that person and the WAO;
 - (b) a period of employment as a member of the staff of the Auditor General immediately before the appointed day—
 - (i) is to be treated as a period of employment with the WAO, and
 - (ii) is to be treated as continuous employment as a member of the staff of the WAO for the purposes of section 218(3) of the Employment Rights Act 1996.
- (3) Without prejudice to sub-paragraph (2), where a person becomes an employee of the WAO by virtue of sub-paragraph (1)—
- (a) all property, rights and liabilities which the Auditor General has under or in relation to the contract of employment of that person are transferred to the WAO, and
 - (b) anything done before the appointed day by or in relation to the Auditor General in respect of the person or the contract is to be treated from that day as having been done by or in relation to the WAO.
- (4) A contract of employment (or rights, powers, duties and liabilities under or in connection with it) is not transferred under this paragraph if the employee objects to the transfer and informs the Auditor General or the WAO of that objection.
- (5) If the employee informs the Auditor General or the WAO of an objection under sub-paragraph (4)—
- (a) the contract of employment is terminated immediately before the appointed day, but
 - (b) the employee is not treated, for any purpose, as having been dismissed by the Auditor General.
- (6) Nothing in this paragraph affects any right of a person to terminate his or her contract of employment if (apart from the change of employer) a substantial change is made to the person’s detriment in his or her working conditions.
- (7) In this paragraph “the appointed day” means the day on which this paragraph comes into force.