

## SCHEDULE 5

### Validity of contracts, collective agreements and rules of undertakings

#### Part 2

##### Collective agreements and rules of undertakings

- 4.—(1) This Part of this Schedule applies to—
- (a) any term of a collective agreement, including an agreement which was not intended, or is presumed not to have been intended, to be a legally enforceable contract;
  - (b) any rule made by an employer for application to all or any of the persons who are employed by him or who apply to be, or are, considered by him for employment;
  - (c) any rule made by a trade organisation (within the meaning of regulation 18) or a qualifications body (within the meaning of regulation 19) for application to—
    - (i) all or any of its members or prospective members; or
    - (ii) all or any of the persons on whom it has conferred professional or trade qualifications (within the meaning of regulation 19) or who are seeking the professional or trade qualifications which it has power to confer.
- (2) Any term or rule to which this Part of this Schedule applies is void where—
- (a) the making of the collective agreement is, by reason of the inclusion of the term, unlawful by virtue of these Regulations;
  - (b) the term or rule is included or made in furtherance of an act which is unlawful by virtue of these Regulations; or
  - (c) the term or rule provides for the doing of an act which is unlawful by virtue of these Regulations.
- (3) Sub-paragraph (2) shall apply whether the agreement was entered into, or the rule made, before or after the date on which these Regulations come into force; but in the case of an agreement entered into, or a rule made, before the date on which these Regulations come into force, that sub-paragraph does not apply in relation to any period before that date.