

## SCHEDULE 3

### TRANSITIONAL, SUPPLEMENTARY AND SAVING PROVISIONS

#### PART 3

#### TRANSFER OF FUNCTIONS ETC

##### *Collective agreements*

- 7 (1) This paragraph applies where a collective agreement made by or on behalf of the Auditor General satisfies the conditions specified in sub-paragraph (2).
- (2) The conditions are that the agreement—
- (a) existed at the time of the transfer mentioned in paragraph 5(1),
  - (b) was made with a trade union recognised by the Auditor General, and
  - (c) applied in respect of an employee whose employment transferred under paragraph 5(1) (“a transferred employee”).
- (3) After the transfer mentioned in paragraph 5(1)—
- (a) the agreement, in its application to a transferred employee, is to have effect as if made with the trade union by or on behalf of the WAO, and
  - (b) anything done before the transfer under or in connection with the agreement in respect of a transferred employee by or in relation to the Auditor General is to be treated as having been done by or in relation to the WAO.
- (4) Nothing in this paragraph prejudices the application of sections 179 and 180 of the 1992 Act (collective agreements presumed to be unenforceable in specified circumstances) to the agreement.
- (5) In this paragraph—
- “collective agreement” has the same meaning as in the 1992 Act,
  - “recognised” has the meaning given in section 178(3) of the 1992 Act,
  - “trade union” has the same meaning as in the 1992 Act, and
  - “1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992.