

## SCHEDULES

1

### THE NORTHERN IRELAND AUDIT OFFICE: SUPPLEMENTARY PROVISIONS

#### PART II

#### STAFF OF NORTHERN IRELAND AUDIT OFFICE

##### *Transfer of staff of Exchequer and Audit Department*

5.—(1) It shall be the duty of the Comptroller and Auditor General to make, by the end of the period of three months beginning with the appointed day, an offer of employment as a member of the staff of the Northern Ireland Audit Office to each person who, immediately before the appointed day—

(a) is employed in the civil service of Northern Ireland in the Exchequer and Audit Department; and

(b) is not so employed by virtue of a temporary transfer from a Northern Ireland department; and the terms of the offer must be such that they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed on the date on which the offer is made.

(2) An offer made in pursuance of this paragraph to a person who, immediately before the appointed day—

(a) is employed as mentioned in sub-paragraph (1)(a); and

(b) is employed by virtue of a permanent transfer from a Northern Ireland department,

shall include a term conferring on that person a right at any time within the period of three years beginning with the appointed day to request the Comptroller and Auditor General to seek to make arrangements in accordance with paragraph 2(2) for the appointment of that person to employment in the civil service of Northern Ireland for an unlimited period.

(3) An offer made in pursuance of this paragraph shall not be revocable during the period of three months beginning with the date on which it is made.

(4) Where a person becomes a member of the staff of the Northern Ireland Audit Office in consequence of this paragraph then, for the purposes of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 and the Industrial Relations (Northern Ireland) Orders 1976 to 1983, his period of employment in the civil service of Northern Ireland shall count as a period of employment as a member of the staff of that Office and the change of employment shall not break the continuity of the period of employment.

(5) Where an offer is made to any person in pursuance of this paragraph none of the agreed redundancy procedures applicable to persons employed in the civil service of Northern Ireland shall apply to him; and if he ceases to be employed as mentioned in sub-paragraph (1)(a)—

(a) on becoming a member of the staff of the Northern Ireland Audit Office in consequence of this paragraph; or

1

- (b) having unreasonably refused an offer made to him in pursuance of this paragraph, he shall not, on ceasing to be so employed, be treated for the purposes of any scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 as having been retired on redundancy.
- (6) Any question arising in relation to a person as to—
  - (a) whether he was employed as mentioned in sub-paragraph (1) or (2); or
  - (b) whether an offer of employment made to him by the Comptroller and Auditor General complies with the requirements of sub-paragraph (1) or (2), shall, if not otherwise determined, be referred for determination by an industrial tribunal whose decision shall be final.