SCHEDULES

SCHEDULE 3

TRANSFER SCHEMES

Transfer of employees

3 (1) This paragraph has effect in any case where the rights and liabilities relating to an individual's contract of employment are transferred in accordance with a scheme.

(2) The transfer does not break the continuity of the individual's employment, and accordingly—

(a) he is not to be regarded for the purposes of Part 11 of the Employment Rights Act 1996 (c. 18) (redundancy) as having been dismissed by virtue of the transfer,

(b) his period of employment with the transferor counts as a period of employment with the transferee for the purposes of that Act.

(3) The terms and conditions of the individual's employment with the transferee (taken as a whole) must not be less favourable to the individual than the terms and conditions on which he is employed immediately before the transfer.

4 (1) This paragraph has effect in any case where—

(a) a scheme contains provision for the transfer of rights or liabilities under the contract of employment of any individual ("the employee"), but

(b) the employee informs the transferor or the **[**[F1]Wales Audit Office**]** that he objects to becoming employed by the **[**[F1]Wales Audit Office**]**.

(2) Section 68—

(a) does not operate to transfer any rights, powers, duties or liabilities under or in connection with the contract of employment, but

(b) operates to terminate that contract on the day preceding the transfer date.

(3) The employee is not, by virtue of that termination, to be treated for any purpose as having been dismissed.

(4) In this paragraph "the transfer date", in relation to a scheme, means the date on which (but for this paragraph) any rights, powers, duties or liabilities under the employee's contract of employment would have been transferred in accordance with the scheme.

Textual Amendments

F1 Words in Sch. 3 substituted (1.4.2014) by The Public Audit (Wales) Act 2013 (Consequential Amendments) Order 2014 (No. 77), arts. 1(1), **3(4)**

Changes to legislation:
There are currently no known outstanding effects for the Public Audit (Wales) Act 2004, Cross Heading: Transfer of employees.