

## STATUTORY INSTRUMENTS

# 1996 No. 1919

## The Employment Rights (Northern Ireland) Order 1996

### PART X

#### TERMINATION OF EMPLOYMENT

##### *Minimum period of notice*

##### **Employments without normal working hours**

**121.**—(1) If an employee does not have normal working hours under the contract of employment in force in the period of notice, the employer is liable to pay the employee for each week of the period of notice a sum not less than a week's pay.

(2) The employer's liability under this Article is conditional on the employee being ready and willing to do work of a reasonable nature and amount to earn a week's pay.

(3) Paragraph (2) does not apply—

- (a) in respect of any period during which the employee is incapable of work because of sickness or injury,
- (b) in respect of any period during which the employee is absent from work wholly or partly because of pregnancy or childbirth<sup>[F1]</sup> or on<sup>[F2]</sup> adoption leave, <sup>[F3]</sup>shared parental leave,<sup>[F4]</sup>parental bereavement leave,<sup>[F5]</sup>paternity leave<sup>[F5]</sup>], or
- (c) in respect of any period during which the employee is absent from work in accordance with the terms of his employment relating to holidays.

(4) Any payment made to an employee by his employer in respect of a period within paragraph (3) (whether by way of sick pay, statutory sick pay, maternity pay, statutory maternity pay,<sup>[F2]</sup> paternity pay, <sup>[F6]</sup>statutory paternity pay], adoption pay, statutory adoption pay,<sup>[F7]</sup>shared parental pay, statutory shared parental pay,<sup>[F8]</sup>parental bereavement pay, statutory parental bereavement pay,] holiday pay or otherwise) shall be taken into account for the purposes of this Article as if it were remuneration paid by the employer in respect of that period.

(5) Where notice was given by the employee, the employer's liability under this Article does not arise unless and until the employee leaves the service of the employer in pursuance of the notice.

**F1** 1999 NI 9

**F2** 2002 NI 2

**F3** Words in art. 121(3)(b) inserted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), s. 23(1), **Sch. 1 para. 4(15)(a)(i)**; S.R. 2015/86, art. 3(2)(d)

**F4** Words in art. 121(3)(b) inserted (23.3.2022) by [Parental Bereavement \(Leave and Pay\) Act \(Northern Ireland\) 2022 \(c. 5\)](#), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 22(2)**; S.R. 2022/136, arts. 2, 3

**F5** Words in art. 121(3)(b) substituted (5.4.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), s. 23(1), **Sch. 1 para. 4(15)(a)(ii)**; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Employment Rights (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- F6** Words in art. 121(4) substituted (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(15)(b)(i)**; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))
- F7** Words in art. 121(4) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(15)(b)(ii)**; S.R. 2015/86, art. 3(2)(d)
- F8** Words in art. 121(4) inserted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 22(3)**; S.R. 2022/136, arts. 2, 3

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**Changes and effects yet to be applied to :**

- [art. 121\(3\)\(b\) words inserted by 2020 c. 7 Sch. 7 para. 24](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act applied with modifications by [S.R. 2023/156 reg. 15](#)

**Whole provisions yet to be inserted into this Order (including any effects on those provisions):**

- [Pt. 7A inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 1](#)
- [Ch. 5 inserted by 2022 c. 27 \(N.I.\) s. 1\(1\)](#)
- [art. 21\(4B\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 2](#)
- [art. 23\(1\)\(zza\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 3](#)
- [art. 70F inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 4](#)
- [art. 70G inserted by 2020 c. 7 Sch. 7 para. 20](#)
- [art. 71\(1C\) inserted by 2020 c. 7 Sch. 7 para. 21\(a\)](#)
- [art. 72\(8\) inserted by 2020 c. 7 Sch. 7 para. 22\(b\)](#)
- [art. 85ZS\(3\)\(a\)-\(c\) substituted for words by 2022 c. 18 \(N.I.\) Sch. 3 para. 47\(4\)](#)
- [art. 95F\(5A\) inserted by 2016 c. 15 \(N.I.\) Sch. 2 para. 32](#)
- [art. 135E inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 6](#)
- [art. 135G inserted by 2020 c. 7 Sch. 7 para. 25](#)
- [art. 137\(6D\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 7](#)
- [art. 137\(7N\) inserted by 2020 c. 7 Sch. 7 para. 26\(b\)](#)
- [art. 140\(3\)\(fj\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 8](#)
- [art. 140\(3\)\(fl\) inserted by 2020 c. 7 Sch. 7 para. 27](#)
- [art. 143\(2\)\(ddd\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 9](#)
- [art. 144\(2\)\(ddd\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 10](#)