
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART XVI

GENERAL AND SUPPLEMENTARY

General

Orders and regulations

251.—(1) [^{F1}Subject to [^{F2}paragraphs (1A), (1B) and (7)] ,] all regulations under this Order shall be subject to negative resolution.

[^{F1}(1A) Regulations under Article 70C, 103, 104, 105, [^{F3} 107A, 107B,] [^{F4}107E, 107F(16), 107G, 107I(16), 107J(1) or (2),] 108 [^{F3} [^{F5}, [^{F6}112A, 112B, 112BAA, [^{F7}112EA,] 112G]] ,] or 131 shall—

- (a) be laid before the Assembly as soon as may be after they are made;
- (b) come into operation on such date as may be specified therein; and
- (c) cease to have effect on the expiration of a period of six months from the date on which they came into operation unless, before the expiration of that period, they are approved by a resolution of the Assembly.]

[^{F8}(1B) Subject to paragraph (1C), regulations under Article 59A or 67FA [^{F9}, and the first regulations under Article 112EF,] shall not be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(1C) Paragraph (1B) does not apply to regulations under Article 67FA that contain only the provision mentioned in Article 67FA(2), (3) or (4).]

(2) An order to which this paragraph applies shall—

- (a) be laid before the Assembly as soon as may be after it is made;
- (b) come into operation on such date as may be specified therein; and
- (c) cease to have effect on the expiration of a period of six months from the date on which it came into operation unless, before the expiration of that period, it is approved by a resolution of the Assembly.

(3) Paragraph (2) applies to—

- (a) an order under Article ^{F1} . . . 63(7) [^{F10}, 92A(11)], ^{F1} . . . ^{F1} . . . or 237(3);
- (b) an order under Article 250, other than an order under paragraph (1)(b) of that Article which specifies only provisions contained in Part XII [^{F11} or an order under paragraph (1)(c) of that Article which falls within paragraph (5A)].

(4) Subject to [^{F12}paragraphs (5) and (5A)] all other orders made by the Department under this Order shall be subject to negative resolution.

(5) Paragraph (4) does not apply to—

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- (a) an order under Article 67; or
- (b) an order under Part II of Schedule 2.
- [^{F13}(c) an order under Article 85ZS(6) or 107AB(4);]
- [^{F14}(5A) An order [^{F15}to which this paragraph applies] shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.]
- [^{F16}(5B) Paragraph (5A) applies to—

 - (a) an order under Article 67K(4), 85ZS(6) or 107AB(4);
 - (b) an order under Article 250(1)(c) which varies or excludes the operation of Article 124(3) or 140(1).]

- (6) Regulations and orders under this Order may contain incidental, supplementary and transitional provisions.
- [^{F17}(7) Regulations to which this paragraph applies shall not be subject to negative resolution but shall be subject to the confirmatory procedure.
- (8) Paragraph (7) applies to regulations under this Order which—

 - (a) but for that paragraph would be subject to negative resolution; and
 - (b) are contained in a statutory rule which includes regulations subject to the confirmatory procedure.

- (9) In this Article “the confirmatory procedure” means the procedure described in paragraph (1A).]

- F1** 1999 NI 9
- F2** Words in art. 251(1) substituted (20.9.2021) by Employment Act (Northern Ireland) 2016 (c. 15), **ss. 24(2)**, 29(2); S.R. 2021/253, art. 2(f)
- F3** 2002 NI 2
- F4** Words in art. 251(1A) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), **ss. 2(3)**, 23(1); S.R. 2015/86, art. 3(1)(b)
- F5** Words in art. 251(1A) substituted (9.9.2010) by Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16)), arts. 1(3), 13(1), **Sch. 1 para. 42**; S.R. 2010/295, **art. 2(b)(c)**
- F6** Words in art. 251(1A) substituted (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(19)(a)**; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))
- F7** Word in art. 251(1A) 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. 24(2)**; S.R. 2022/136, arts. 2, 3
- F8** Art. 251(1B)(1C) inserted (20.9.2021) by Employment Act (Northern Ireland) 2016 (c. 15), **ss. 24(3)**, 29(2); S.R. 2021/253, art. 2(f)
- F9** Words in art. 251(1B) 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. 24(3)**; S.R. 2022/136, arts. 2, 3
- F10** 2003 NI 15
- F11** Words in art. 251(3)(b) added (20.9.2021) by Employment Act (Northern Ireland) 2016 (c. 15), **ss. 24(4)**, 29(2); S.R. 2021/253, art. 2(f)
- F12** Words in art. 251(4) substituted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(19)(b)**; S.R. 2015/86, art. 3(2)(d)
- F13** Art. 251(5)(c) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(19)(c)**; S.R. 2015/86, art. 3(2)(d)
- F14** Art. 251(5A) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 4(19)(d)**; S.R. 2015/86, art. 3(2)(d)
- F15** Words in art. 251(5A) substituted (20.9.2021) by Employment Act (Northern Ireland) 2016 (c. 15), **ss. 24(5)**, 29(2); S.R. 2021/253, art. 2(f)

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- F16** Art. 251(5B) inserted (20.9.2021) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\), ss. 24\(6\), 29\(2\); S.R. 2021/253, art. 2\(f\)](#)
- F17** Art. 251(7)-(9) added (20.9.2021) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\), ss. 24\(7\), 29\(2\); S.R. 2021/253, art. 2\(f\)](#)

Financial provisions

252. There shall be paid out of the Northern Ireland National Insurance Fund into the Consolidated Fund sums equal to the amount of—

- (a) any expenses incurred by the Department in consequence of Part XII, and
- (b) any expenses incurred by the Department (or by persons acting on its behalf in exercising its functions under Part XIV.

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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](#)