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## STATUTORY INSTRUMENTS

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# 2006 No. 1947

## The Work and Families (Northern Ireland) Order 2006

### *Introduction*

#### **Title and commencement**

- 1.—(1) This Order may be cited as the Work and Families (Northern Ireland) Order 2006.
- (2) This Article and Article 2 shall come into operation on the expiration of 7 days from the day on which this Order is made.
- (3) The remaining provisions of this Order shall come into operation on such day or days as the Department may by order appoint.
- (4) An order under paragraph (3) may include supplementary, incidental, saving or transitional provisions.

#### **Subordinate Legislation Made**

- P1 [Art. 1\(3\)](#) power partly exercised: different dates appointed for specified provisions by [S.R. 2006/344](#), [arts. 2-4](#); different dates appointed for specified provisions by [S.R. 2010/295](#), [arts. 2, 3](#)

#### **Interpretation**

- 2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.
- (2) In this Order—
- “the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992 (c. 8);
- “the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7);
- “the Department” means the Department for Employment and Learning;
- “the Employment Rights Order” means the Employment Rights (Northern Ireland) Order 1996 (NI 16);
- “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

### *Extension of maternity pay period and adoption pay period*

#### **Maternity pay period**

3. In section 161(1) of the Contributions and Benefits Act (which specifies the maximum period that may be prescribed as the period for which statutory maternity pay and, by virtue of section 35(2) of that Act, maternity allowance, are payable), for “26 weeks” substitute “ 52 weeks ”.

**Adoption pay period**

4. In section 167ZN(2) of the Contributions and Benefits Act (which specifies the maximum period that may be prescribed as the period for which statutory adoption pay is payable), for “26 weeks” substitute “ 52 weeks ”.

*<sup>F1</sup>Additional paternity leave and pay*

**Textual Amendments**

<sup>F1</sup> Arts. 5-12 and preceding cross-heading repealed (5.4.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), s. 23(1), [Sch. 2](#); S.R. 2015/86, art. 4(3) (with art. 7(2))

**Additional paternity leave: birth**

<sup>F1</sup>5. ....

**Additional paternity leave: adoption**

<sup>F1</sup>6. ....

**Rights during and after additional paternity leave**

<sup>F1</sup>7. ....

**Entitlement to additional statutory paternity pay: birth**

<sup>F1</sup>8. ....

**Entitlement to additional statutory paternity pay: adoption**

<sup>F1</sup>9. ....

**Entitlement to additional statutory paternity pay: general**

<sup>F1</sup>10. ....

**Liability to make payments of additional statutory paternity pay**

<sup>F1</sup>11. ....

**Additional statutory paternity pay: rate and period of pay**

<sup>F1</sup>12. ....

*Leave and pay related to birth or adoption: further amendments*

**Leave and pay related to birth or adoption: further amendments**

13.—(1) Schedule 1 (which contains further amendments relating to statutory leave and pay) has effect.

<sup>F2</sup>(2) .....

(3) Any reference to ordinary statutory paternity pay in any statutory provision (including this Order and any statutory provision amended by this Order) or document is to be read, in relation to any time before the commencement of paragraphs 11 and 12 of Schedule 1, as a reference to statutory paternity pay.

**Textual Amendments**

**F2** Art. 13(2) repealed (5.4.2015) by *Work and Families Act (Northern Ireland) 2015* (c. 1), s. 23(1), **Sch. 2**; S.R. 2015/86, art. 4(3) (with art. 7(2))

**Commencement Information**

**I1** Art. 13 partly in operation; art. 13 not in operation at date of making see art. 1(3); art. 13 in operation for certain purposes at 1.9.2006 and 1.10.2006 by S.R. 2006/344, **arts. 2(b), 3(a)**; art. 13(1) in operation for certain purposes at 9.9.2010 and 1.10.2010 by S.R. 2010/295, **arts. 2(b), 3(a)**; art. 13(2) (3) in operation at 1.10.2010 by S.R. 2010/295, **art. 3(b)**

*Miscellaneous provisions about employment rights*

**Flexible working**

14.—(1) Article 112F of the Employment Rights Order (statutory right to request contract variation) is amended as follows.

<sup>F3</sup>(2) .....

<sup>F3</sup>(3) .....

(4) Omit paragraphs (3), (6) and (7).

<sup>F4</sup>(5) .....

**Textual Amendments**

**F3** Art. 14(2)(3) repealed (5.4.2015) by *Work and Families Act (Northern Ireland) 2015* (c. 1), s. 23(1), **Sch. 2**; S.R. 2015/86, art. 4(3) (with art. 7(2))

**F4** Art. 14(5) repealed (5.4.2015) by *Work and Families Act (Northern Ireland) 2015* (c. 1), s. 23(1), **Sch. 2**; S.R. 2015/86, art. 4(3) (with art. 7(2))

**Annual leave**

15.—(1) The Department may by regulations make provision conferring on workers the right, except in prescribed cases, to a prescribed amount of annual leave in each leave year, as defined for the purposes of the regulations.

(2) The regulations may in particular—

- (a) make provision for determining the amount of annual leave to which workers are to be entitled;
- (b) make provision for determining the amount of pay in respect of any period of leave which is required by the regulations to be paid leave;
- (c) make provision enabling a worker to elect when to take leave to which he is entitled by virtue of the regulations, subject to any provision of the regulations enabling his employer to require him to take, or not to take, that leave at a particular time;

- (d) make provision for the payment of compensation in prescribed cases to a worker who has not taken leave to which he is entitled;
- (e) make provision as to the relationship between the rights conferred by the regulations and a worker's rights to leave, pay or compensation under any contract or under any statutory provision;
- (f) enable a worker to present a complaint to an industrial tribunal that his employer has refused to permit him to exercise any right he has under the regulations, or has failed to pay him any amount due to him under the regulations;

<sup>F5</sup>(g) .....

(3) Regulations under this Article may make provision as to—

- (a) who is to be treated as a worker for the purposes of the regulations, and
- (b) who is to be treated as the worker's employer.

(4) Regulations under this Article may in particular—

- (a) make provision applying to—
  - (i) Crown employment and persons in Crown employment;
  - (ii) service as a member of the armed forces;

<sup>F6</sup>(b) .....

(5) Regulations under this Article may contain incidental, supplemental, consequential, transitional or saving provision, including provision amending any statutory provision.

(6) Regulations under this Article

[<sup>F7</sup>shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly].

(7) In this Article—

- “the armed forces” means any of the naval, military or air forces of the Crown;
- “Crown employment” has the meaning given by Article 236(3) of the Employment Rights Order.

Textual Amendments	
<b>F5</b>	Art. 15(2)(g) omitted (31.12.2020) by virtue of <a href="#">The Employment Rights (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/538)</a> , reg. 1(1), <b>Sch. para. 2(a)</b> (with Sch. para. 3); 2020 c. 1, Sch. 5 para. 1(1)
<b>F6</b>	Art. 15(4)(b) omitted (31.12.2020) by virtue of <a href="#">The Employment Rights (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/538)</a> , reg. 1(1), <b>Sch. para. 2(b)</b> (with Sch. para. 3); 2020 c. 1, Sch. 5 para. 1(1)
<b>F7</b>	Words in art. 15(6) substituted (15.3.2015) by <a href="#">Work and Families Act (Northern Ireland) 2015 (c. 1)</a> , <b>ss. 20, 23(1)</b> ; S.R. 2015/86, art. 3(1)(p)

**Increase of maximum amount of a week's pay for certain purposes**

16.—(1) This Article applies to the sums specified in the following provisions—

- (a) Article 23(1) of the Employment Rights Order (maximum amount of a week's pay for the purposes of certain provisions of the Order relating to awards of compensation and redundancy payments);

- (b) Article 231(1)(a) and (b) of the Employment Rights Order (employee's rights on insolvency of employer: maximum amount payable).
- (2) The Department may, on one occasion only, by order substitute for each of the sums mentioned in paragraph (1) such higher sum as may be specified in the order.
- (3) An order under this Article—
- (a) may include transitional provision;
  - (b) may exclude, on a single occasion specified in the order under this Article, any duty to make an order under Article 33 of the 1999 Order (indexation of amounts, etc.), so far as relating to the sums mentioned in paragraph (1).
- (4) Subject to any provision made under paragraph (3)(b), this Article does not affect the operation of Article 33 of the 1999 Order in relation to the sums substituted by the order under this Article in the provisions mentioned in paragraph (1).
- (5) An order under this Article shall—
- (a) be laid before the Assembly after being made; and
  - (b) take effect on such date as may be specified in the order but (without prejudice to the validity of anything done thereunder or to the making of a new order) shall cease to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the order is approved by a resolution of the Assembly.
- (6) In this Article “the 1999 Order” means the Employment Relations (Northern Ireland) Order 1999 (NI 9).

### *Supplementary*

#### **Repeals**

17. The statutory provisions specified in Schedule 2 are repealed to the extent specified in the second column of that Schedule.

#### **Commencement Information**

- I2** [Art. 17](#) partly in operation; [art. 17](#) not in operation at date of making see [art. 1\(3\)](#); [art. 17](#) in operation for certain purposes at 1.10.2006 by [S.R. 2006/344](#), [art. 3\(e\)](#); [art. 17](#) in operation for certain purposes at 1.10.2010 by [S.R. 2010/295](#), [art. 3\(e\)](#)

*A.K. Galloway*  
Clerk of the Privy Council

**Changes to legislation:**

There are currently no known outstanding effects for the The Work and Families (Northern Ireland) Order 2006.