

STATUTORY INSTRUMENTS

2006 No. 1947

The Work and Families (Northern Ireland) Order 2006

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.

^{F1}(2)

^{F1}(3)

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

^{F2}(5)

Textual Amendments

F1 Art. 14(2)(3) repealed (5.4.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\), s. 23\(1\), Sch. 2](#); S.R. 2015/86, art. 4(3) (with art. 7(2))

F2 Art. 14(5) repealed (5.4.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\), s. 23\(1\), Sch. 2](#); S.R. 2015/86, art. 4(3) (with art. 7(2))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;

^{F3}(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;

^{F4}(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

[^{F5}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

- F3** Art. 15(2)(g) omitted (31.12.2020) by virtue of [The Employment Rights \(Amendment\) \(Northern Ireland\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/538\)](#), reg. 1(1), **Sch. para. 2(a)** (with Sch. para. 3); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 15(4)(b) omitted (31.12.2020) by virtue of [The Employment Rights \(Amendment\) \(Northern Ireland\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/538\)](#), reg. 1(1), **Sch. para. 2(b)** (with Sch. para. 3); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in art. 15(6) substituted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), **ss. 20, 23(1)**; 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).

Changes to legislation:

There are currently no known outstanding effects for the The Work and Families (Northern Ireland) Order 2006, Miscellaneous provisions about employment rights.