STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART V

GUARANTEE PAYMENTS

Limits on amount of and entitlement to guarantee payment

63.—(1) The amount of a guarantee payment payable to an employee in respect of any day shall not exceed **[**[F1]£38.00**]**.

(2) An employee is not entitled to guarantee payments in respect of more than the specified number of days in any period of three months.

(3) The specified number of days for the purposes of paragraph (2) is the number of days, not exceeding five, on which the employee normally works in a week under the contract of employment in force on the day in respect of which the guarantee payment is claimed.

(4) But where that number of days varies from week to week or over a longer period, the specified number of days is instead—

(a) the average number of such days, not exceeding five, calculated by dividing by twelve the total number of such days during the period of twelve weeks ending with the last complete week before the day in respect of which the guarantee payment is claimed, and rounding up the resulting figure to the next whole number, or

(b) where the employee has not been employed for a sufficient period to enable the calculation to be made under sub-paragraph (a), a number which fairly represents the number of the employee's normal working days in a week, not exceeding five, having regard to such of the considerations specified in paragraph (5) as are appropriate in the circumstances.

(5) The considerations referred to in paragraph (4)(b) are—

(a) the average number of normal working days in a week which the employee could expect in accordance with the terms of his contract, and

(b) the average number of such days of other employees engaged in relevant comparable employment with the same employer.

(6) If in any case an employee's contract has been varied, or a new contract has been entered into, in connection with a period of short-time working, paragraphs (3) and (4) have effect as if for the references to the day in respect of which the guarantee payment is claimed there were substituted references to the last day on which the original contract was in force.

[[F2](7) The Department may by order vary—

(a) the length of the period specified in paragraph (2);

(b) a limit specified in paragraph (3) or (4).**]**

F1 Sum in art. 63(1) substituted (6.4.2024) by The Employment Rights (Increase of Limits) Order (Northern Ireland) 2024 (S.R. 2024/86), arts. 1(1), 3, **Sch.** (with art. 4)

F2 1999 NI 9

Changes to legislation:
The Employment Rights (Northern Ireland) Order 1996, Section 63 is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

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