
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART VII

TIME OFF WORK

Public duties

Right to time off for public duties

78.—(1) An employer shall permit an employee of his who is a justice of the peace to take time off during the employee's working hours for the purpose of performing any of the duties of his office.

(2) An employer shall permit an employee of his who is a member of—

- (a) a district council,
- [^{F1}(aa) the Northern Ireland Library Authority;]
- (b) a statutory tribunal,
- [^{F2}(c) an independent monitoring board appointed under section 10 of the Prison Act (Northern Ireland) 1953;]
- (d) a relevant health body,^{F3} . . .
- (e) a relevant education body,^{F3} or
- [^{F4}(f) a policing and community safety partnership or a district policing and community partnership,]

to take time off during the employee's working hours for the purposes specified in paragraph (3).

(3) The purposes referred to in paragraph (2) are—

- (a) attendance at a meeting of the body or any of its committees or sub-committees, and
- (b) the doing of any other thing approved by the body, or anything of a class so approved, for the purpose of the discharge of the functions of the body or of any of its committees or sub-committees.

(4) The amount of time off which an employee is to be permitted to take under this Article, and the occasions on which and any conditions subject to which time off may be so taken, are those that are reasonable in all the circumstances having regard, in particular,

- (a) how much time off is required for the performance of the duties of the office or as a member of the body in question, and how much time off is required for the performance of the particular duty,
- (b) how much time off the employee has already been permitted under this Article or Article 92 or 94, and
- (c) the circumstances of the employer's business and the effect of the employee's absence on the running of that business.

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Para. (5) rep. by 2005 NI 15

(6) In paragraph (2)(d) “a relevant health body” means—

^{F5}(a)

(b) a [^{F6}Health and Social Care Trust].

(7) In paragraph (2)(e) “a relevant education body” means—

[^{F7}(a) the Education Authority;]

(b) the Council for Catholic Maintained Schools;

(c) the Northern Ireland Council for the Curriculum, Examinations and Assessment,

[^{F8}(cc) the General Teaching Council for Northern Ireland;]

(d) the Board of Governors of a grant-aided school,

(e) the governing body of an institution of further education, or

(f) the managers of a college of education.

^{F9}(7A)

(8) The Department may by order—

(a) modify the provisions of paragraphs (1) and (2) and (5) to (7) by adding any office or body, removing any office or body or altering the description of any office or body, or

(b) modify the provisions of paragraph (3).

(9) For the purposes of this Article the working hours of an employee shall be taken to be any time when, in accordance with his contract of employment, the employee is required to be at work.

F1 Art. 78(2)(aa) inserted (1.10.2008) by [Libraries Act \(Northern Ireland\) 2008 \(c. 8\)](#), ss. 10(1), 12(2), [Sch. 3 para. 5](#); S.R. 2008/396, [art. 2\(f\)\(h\)](#)

F2 2005 NI 15

F3 SR 2003/381

F4 Art. 78(2)(f) substituted (1.4.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(3), [Sch. 7 para. 6](#); S.R. 2012/142, [art. 2\(d\)](#)

F5 Art. 78(6)(a) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 169\(4\)](#); S.R. 2022/102, [art. 2\(b\)](#)

F6 Words in Order substituted (1.4.2009) by virtue of [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(c\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)

F7 Art. 78(7)(a) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [s. 7\(2\)\(c\)](#), [Sch. 3 para. 16](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, [art. 2\(b\)](#)

F8 1998 NI 13

F9 Art. 78(7A) repealed (1.4.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(3), [Sch. 8 Pt. 2](#); S.R. 2012/142, [art. 2\(e\)](#)

Complaints to industrial tribunals

79.—(1) An employee may present a complaint to an industrial tribunal that his employer has failed to permit him to take time off as required by Article 78.

(2) An industrial tribunal shall not consider a complaint under this Article that an employer has failed to permit an employee to take time off unless it is presented—

(a) before the end of the period of three months beginning with the date on which the failure occurred, or

- (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

[^{F10}(2A) Article 249B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2)(a).]

- (3) Where an industrial tribunal finds a complaint under this Article well-founded, the tribunal—
 - (a) shall make a declaration to that effect, and
 - (b) may make an award of compensation to be paid by the employer to the employee.
- (4) The amount of the compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard
 - (a) the employer's default in failing to permit time off to be taken by the employee, and
 - (b) any loss sustained by the employee which is attributable to the matters to which the complaint relates.

F10 [Art. 79\(2A\)](#) inserted (27.1.2020) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\)](#), s. 29(2), [Sch. 2 para. 19](#); S.R. 2020/1, art. 2(n)

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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](#)