

---

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.

(2) In paragraph (1), for sub-paragraph (b) substitute—

“(b) his purpose in applying for the change is to enable him to care for someone who, at the time of application, is—

(i) a child who has not reached the prescribed age or falls within a prescribed description and in respect of whom (in either case) the employee satisfies prescribed conditions as to relationship, or

(ii) a person aged 18 or over who falls within a prescribed description and in respect of whom the employee satisfies prescribed conditions as to relationship.”.

(3) In paragraph (2)(d), for the words from “child” to the end substitute “child or other person to be cared for, the conditions as to relationship mentioned in paragraph (1)(b)(i) or (ii).”.

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

(5) After paragraph (8) add—

“(9) In this Article—

“child” means a person aged under 18;

“prescribed” means prescribed by regulations made by the Department.”.

**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;
  - (g) make, in connection with any right conferred by the regulations (including any right to payment), any other provision which is the same as or similar to any provision made, in connection with any right relating to annual leave conferred in pursuance of any Community obligation, by any regulations under section 2(2) of the European Communities Act 1972 (c. 68) made at any time before the day on which the first regulations under this Article are made.
- (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;
  - (b) make provision conferring rights to and in connection with annual leave on persons falling within any other categories of persons on whom any Community obligation of the United Kingdom requires a right to annual leave to be conferred.
- (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 shall—
- (a) be laid before the Assembly after being made; and
  - (b) come into operation on such date as may be specified in the regulations, but (without prejudice to the validity of anything done thereunder or to the making of new regulations) 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 regulations are 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.

### **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 \(NI 9\)](#).