

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2016 No. 49**

**The Working Time Regulations (Northern Ireland) 2016**

**PART 3**

Exceptions

**Entitlement to additional annual leave under a relevant agreement**

**33.**—(1) Regulation 16 does not apply in relation to a worker whose employer, by virtue of a relevant agreement, provides each worker with an annual leave entitlement of 1.6 weeks or 8 days (whichever is the lesser) in addition to each worker's entitlement under regulation 15, provided that such additional annual leave—

- (a) may not be replaced by a payment in lieu except in relation to a worker whose employment is terminated;
- (b) may not be carried forward into a leave year other than that which immediately follows the leave year in respect of which the leave is due; and
- (c) is leave for which the worker is entitled to be paid at not less than the rate of a week's pay in respect of each week of leave, calculated in accordance with Articles 17 to 20 of the 1996 Order, modified such that—
  - (i) references to the employee are references to the worker;
  - (ii) references to the employee's contract of employment are references to the worker's contract;
  - (iii) the calculation date is the first day of the period of leave in question; and
  - (iv) the references to Articles 23 and 24 do not apply.

(2) Notwithstanding paragraph (1), any additional annual leave in excess of 1.6 weeks or 8 days (whichever is the lesser) to which a worker is entitled, shall not be subject to the conditions of that paragraph.

(3) This regulation shall cease to apply to a worker from the day when an employer ceases to provide additional annual leave in accordance with the conditions in paragraph (1).

**Changes to legislation:**

There are currently no known outstanding effects for the The Working Time Regulations (Northern Ireland) 2016, Section 33.