
STATUTORY INSTRUMENTS

2006 No. 1947

The Work and Families (Northern Ireland) Order 2006

Miscellaneous provisions about employment rights

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.