
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 49

The Working Time Regulations (Northern Ireland) 2016

PART 2

Rights and Obligations Concerning Working Time

Entitlement to annual leave

15.—(1) Subject to paragraph (4), a worker is entitled to four weeks' annual leave in each leave year.

(2) A worker's leave year, for the purposes of this regulation, begins—

- (a) on such date during the calendar year as may be provided for in a relevant agreement; or
- (b) where there are no provisions of a relevant agreement which apply, on the date on which the worker's employment begins and each subsequent anniversary of that date.

(3) Paragraph (2) does not apply to a worker to whom Schedule 2 applies (workers employed in agriculture) except where, in the case of a worker partly employed in agriculture, a relevant agreement so provides.

(4) Where the date on which a worker's employment begins is later than the date on which (by virtue of a relevant agreement) the worker's first leave year begins, the leave to which the worker is entitled in that leave year is a proportion of the period applicable under paragraph (1) equal to the proportion of that leave year remaining on the date on which the worker's employment begins.

(5) Leave to which a worker is entitled under this regulation may be taken in instalments, but—

- (a) [^{F1}subject to the exceptions in paragraphs (6), (7), (10), (11) and (13)] it may only be taken in the leave year in respect of which it is due, and
- (b) it may not be replaced by a payment in lieu except where the worker's employment is terminated.

[^{F2}(6) Where in any leave year it was not reasonably practicable for a worker to take some or all of the leave to which the worker was entitled under this regulation as a result of the effects of coronavirus (including on the worker, the employer or the wider economy or society), the worker shall be entitled to carry forward such untaken leave as provided for in paragraph (7).

(7) Leave to which paragraph (6) applies may be carried forward and taken in the two leave years immediately following the leave year in respect of which it was due.

(8) An employer may only require a worker not to take leave to which paragraph (6) applies on particular days as provided for in regulation 18(2) where the employer has good reason to do so.

(9) For the purpose of this regulation “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).]

[^{F3}(10) Where, as a result of taking a period of statutory leave in any leave year, a worker is unable to take some or all of the annual leave to which the worker is entitled in that leave year under this regulation, the worker is entitled to carry forward such untaken leave into the following leave year.

(11) Where, as a result of taking a period of sick leave in any leave year, a worker is unable to take some or all of the annual leave to which the worker is entitled in that leave year under this regulation, the worker is entitled to carry forward such untaken leave into the following leave year provided it is taken by the end of the period of 18 months from the end of the leave year in which the entitlement originally arose.

(12) Paragraph (13) applies where, in any leave year, an employer fails to—

- (a) recognise a worker's right to annual leave under this regulation or to payment for that leave in accordance with regulation 20;
- (b) give the worker a reasonable opportunity to take the leave to which the worker is entitled under this regulation or encourage them to do so; or
- (c) inform the worker that any leave not taken by the end of the leave year, which cannot be carried over, will be lost.

(13) Where this paragraph applies and subject to paragraph (14), the worker is entitled to carry forward any leave to which the worker is entitled under this regulation which is untaken in that leave year or has been taken but not paid in accordance with regulation 20.

(14) Annual leave that has been carried forward pursuant to paragraph (13) cannot be carried forward beyond the end of the first full leave year in which paragraph (13) does not apply.]

Textual Amendments

- F1** Words in [reg. 15\(5\)\(a\)](#) substituted (1.1.2024) by [The Working Time \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/223\)](#), regs. 1(2), **2(3)(a)**
- F2** [Reg. 15\(6\)-\(9\)](#) inserted (24.4.2020) by [The Working Time \(Coronavirus\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/68\)](#), regs. 1(1), **2(2)(b)**
- F3** [Reg. 15\(10\)-\(14\)](#) inserted (1.1.2024) by [The Working Time \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/223\)](#), regs. 1(2), **2(3)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Working Time Regulations (Northern Ireland) 2016, Section 15.