

2023 No. 1328

TERMS AND CONDITIONS OF EMPLOYMENT

The Flexible Working (Amendment) Regulations 2023

<i>Made</i> - - - -	<i>5th December 2023</i>
<i>Laid before Parliament</i>	<i>11th December 2023</i>
<i>Coming into force</i> - -	<i>6th April 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 80F(8)(a)(i) and (9) of the Employment Rights Act 1996(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Flexible Working (Amendment) Regulations 2023 and come into force on 6th April 2024.

(2) These Regulations extend to England and Wales and Scotland.

Amendment to the Flexible Working Regulations 2014

2. Regulation 3 (entitlement to make an application) of the Flexible Working Regulations(b) is omitted.

5th December 2023

Kevin Hollinrake
Parliamentary Under Secretary of State
Department for Business and Trade

(a) 1996 c.18. Section 80F was inserted by section 47 of the Employment Act 2002 (c. 22) and subsection (9) was inserted by section 12(5) of the Work and Families Act 2006 (c.18).

(b) S.I. 2014/1398.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Flexible Working Regulations (S.I. 2014/1398) (“2014 Regulations”) and provide that the right to make a flexible working application applies when an employee begins employment (a day 1 right).

Currently, regulation 3 of the 2014 Regulations imposes a condition on employees to have been continuously employed for 26 weeks before being entitled to make a flexible working application. Regulation 2 of these Regulations omits regulation 3 of the 2014 Regulations with effect from 6th April 2024, meaning that the requirement to have 26 weeks of continuous employment will not apply to applications made on or after that date. No conditions as to duration of employment need to be satisfied by an employee in order to be entitled to make a flexible working application on or after 6th April 2024.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector has been produced and is published alongside these regulations.

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