STATUTORY RULES OF NORTHERN IRELAND

2002 No. 93

EMPLOYMENT

Working Time (Amendment) Regulations (Northern Ireland) 2002

Made . . . . . *8th March 2002*

Coming into operation . . *14th April 2002*

The Department for Employment and Learning(**a**), being a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to measures relating to the organisation of working time(**c**), in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Working Time (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 14th April 2002.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations, "the Principal Regulations" means the Working Time Regulations (Northern Ireland) 1998(**e**).

Amendment of the Principal Regulations

3. Regulation 13 of the Principal Regulations shall be amended as follows—

(*a*) the following paragraph shall be substituted for paragraph (1)—

"(1) Subject to paragraph (5), a worker is entitled to four weeks' annual leave in each leave year.";

(*b*) paragraph (2) shall be omitted;

(*c*) in paragraph (5), for "paragraph (2)" there shall be substituted "paragraph (1)";

(**a**) Formerly known as the Department of Higher and Further Education, Training and Employment; renamed the Department for Employment and Learning by the Department for Employment and Learning Act (Northern Ireland) 2002 c. 15
(**b**) 1972 c. 68
(**c**) S.I. 1997/1174
(**d**) 1954 c. 33 (N.I.)
(**e**) S.R. 1998 No. 386, to which there are amendments not relevant to these Regulations

(*d*) in paragraph (6), "(2)(*b*) or" shall be omitted; and

(*e*) paragraphs (7) and (8) shall be omitted.

4. In regulations 14(1) and (3), 15(1) and (2) and 30(1) of the Principal Regulations, for "13(1)" there shall be substituted "13".

5. The following regulation shall be inserted after regulation 15 of the Principal Regulations.

"*Leave during the first year of employment*

15A.—(1) During the first year of his employment, the amount of leave a worker may take at any time in exercise of his entitlement under regulation 13 is limited to the amount which is deemed to have accrued in his case at that time under paragraph (2), as modified under paragraph (3) in a case where that paragraph applies, less the amount of leave (if any) that he has already taken during that year.

(2) For the purposes of paragraph (1), leave is deemed to accrue over the course of the worker's first year of employment, at the rate of one-twelfth of the amount specified in regulation 13(1) on the first day of each month of that year.

(3) Where the amount of leave that has accrued in a particular case includes a fraction of a day other than a half-day, the fraction shall be treated as a half-day if it is less than a half-day and as a whole day if it is more than a half-day.

(4) This regulation does not apply to a worker whose employment began before this regulation came into operation.".

Sealed with the Official Seal of the Department for Employment and Learning on 8th March 2002.

(L.S.) *R. B. Gamble*

A senior officer of the Department for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend provisions of the Working Time Regulations (Northern Ireland) 1998, which implement Council Directive 93/104/EC concerning certain aspects of the organisation of working time.

Regulation 13 of those Regulations is amended to provide that the amount of leave to which a worker is entitled in a leave year is four weeks, except in the case (provided for in paragraph (5) of the regulation) where a worker's employment begins after the start of a leave year. Spent provisions concerning the amount of leave to which a worker was entitled in leave years beginning before 23rd November 1999 are revoked. The provisions of regulation 13 limiting entitlement to annual leave to workers who have been continuously employed for thirteen weeks are also revoked. References to regulation 13 elsewhere in the Regulations are modified to take account of the fact that both paragraph (1) and paragraph (5) will apply in some cases.

A new regulation 15A is inserted, limiting the extent to which a worker is able to exercise his entitlement to leave during the course of his first year of employment. The amount of leave a worker may take at any time is limited to the amount that he has "accrued" at that time; accrual is at the rate of one-twelfth of the annual entitlement at the beginning of each month.

£1·75

Published by The Stationery Office Limited

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N20449. C2. 3/02. Gp. 130. 14567.

ISBN 0-337-94197-1