EXPLANATORY MEMORANDUM TO

The Working Time (Amendment) Regulations (Northern Ireland) 2024

SR 2024 No. 153

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for the Economy to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 15(1) and (2) of the Work and Families (Northern Ireland) Order 2006 and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1. This Statutory Rule amends regulations 2, and 17(5) of the Working Time Regulations (Northern Ireland) 2016.

2.2. The amendment to Regulation 2 seeks to clarify that the definition of statutory leave within those regulations is the same as that within Part IX of the Employment Rights (Northern Ireland) Order 1996.

2.3. The amendment to Regulation 17(5) clarifies that compensation related to an entitlement to leave will cover unused leave, at the point that a workers employment is terminated, if the worker is entitled to carry over that unused leave into the next immedate leave year by virtue of a relevant agreement.

3. Background

3.1. The Retained EU Law (Revocation and Reform) Act 2023 ("the REUL Act") revoked pieces of retained European Union (EU) law from 1 January 2024 and, at the same time, repealed the principle of supremacy of EU law and certain EU legal concepts.

3.2. The Department is seeking to utilise the powers under the Work and Families (Northern Ireland) Order to mitigate against any risk to the intrepretation of statutory leave within the Working Time Regulations, following the loss of interpretative effects of EU law in the UK on 1st January 2024.

4. Consultation

4.1. As this SR clarifies the continuance of existing rights, and does not introduce or amend any existing rights or policies, no consultation actions were considered necessary.

5. Equality Impact

5.1. An Equality Impact Assessment is not considered necessary as the implementation of this S.R. neither involves commencement of a new policy, nor change to an existing one.

6. Regulatory Impact

6.1. As this SR clarifies the continuance of existing rights, a regulatory impact assessment was not considered necessary.

7. Financial Implications

7.1. As this SR clarifies the continuance of existing rights, no financial implications were identified.

8. Section 24 of the Northern Ireland Act 1998

8.1. This Statutory Rule complies with the provisions of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. This Statutory Rule replicates provisions within The Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023.

11. Additional Information

11.1. This Statutory Rule comes into operation the day after which it is approved.