STATUTORY RULES OF NORTHERN IRELAND

2007 No. 53

EMPLOYMENT

WORK AND FAMILIES

The Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations (Northern Ireland) 2007

Made - - - -	*26th January 2007*
Coming into operation	*6th April 2007*

The Department for Employment and Learning(**1**), in exercise of the powers conferred by Articles 112F(1)(b), 112F(8)(a) and 112F(9) of the Employment Rights (Northern Ireland) Order 1996(**2**), and now vested in it(**3**), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 6th April 2007.

Amendment of the Flexible Working (Eligibility, Complaints and Remedies) Regulations (Northern Ireland) 2003

2. The Flexible Working (Eligibility, Complaints and Remedies) Regulations (Northern Ireland) 2003(**4**) are amended as follows.

3. In regulation 2 (interpretation)—

(1) In paragraph (1)—

(a) after the definition of "contract variation" insert—

(**1**) Formerly the Department of Higher and Further Education, Training and Employment; *see* 2001 c. 15 (N.I.)

(**2**) S.I. 1996/1919 (N.I. 16) Article 112F was inserted by Article 15 of the Employment (Northern Ireland) 2002 (S.I. 2002/2836) (N.I. 2)) and amended by Article 14 of the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16))

(**3**) *See* S.R. 1999 No. 481 Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999

(**4**) S.R. 2003 No. 174 as amended by Article 16 of the Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order (Northern Ireland) 2005 (S.R. 2005 No. 520)

""disabled" means entitled to a disability living allowance within the meaning of section 71 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**5**);";

(b) for the definition of "partner" substitute—

""partner" means the other member of a couple consisting of—

(a) a man and a woman who are not married to each other but are living together as if they were husband and wife, or

(b) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners;";

(c) after the definition of "partner" insert—

""relative" means a mother, father, adopter, guardian, special guardian, parent-in-law, step-parent, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt or grandparent, and includes adoptive relationships and relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for the adoption;

"special guardian" means a person appointed as a special guardian under section 14A of the Children Act 1989(**6**);".

(2) For paragraph (2) substitute—

"(2) A reference in any provision of these Regulations to a period of continuous employment is to a period computed in accordance with Chapter III of Part I of the 1996 Order, as if the provision were a provision of that Order.".

(3) Omit paragraph (3).

4.—(1) Regulation 3 (entitlement to request contract variation) is amended as follows.

(2) In the heading after "contract variation" insert "to care for a child".

(3) In paragraph (1) after "An employee is entitled to make an application to his employer for a contract variation" insert "to enable him, in accordance with Article 112F(1)(b)(i) of the 1996 Order, to care for a child".

(4) In paragraphs (1)(b)(i) and (1)(b)(ii) after "guardian" insert ", special guardian".

(5) Paragraph (2) shall be omitted.

5. After regulation 3 insert—

"**Age of child**

3A. An application under regulation 3 must be made before the day on which the child concerned reaches the age of 6 or, if disabled, 18.

Entitlement to request a contract variation to care for an adult

3B. An employee is entitled to make an application to his employer for a contract variation to enable him, in accordance with article 112F(1)(b)(ii) of the 1996 Order, to care for a person aged 18 or over if the employee—

(**5**) 1992 c. 7. Section 71 corresponds to provisions formerly contained in Article 3 of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (S.I. 1991/1712 (N.I. 17)). Article 3 of that Order was repealed by Schedule 1 of the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (1992 c. 9)

(**6**) 1989 c. 41. Section 14A (which extends to England and Wales only) was inserted by section 115(1) of the Adoption and Children Act 2002 (c. 38)