

SCHEDULE 7

Amendments to legislation and related transitional provisions

PART 2

Subordinate legislation

The Riding Establishments Regulations (Northern Ireland) 1980

7. In regulation 4 of the Riding Establishments Regulations (Northern Ireland) 1980⁽¹⁾ (management and supervision requirements), for paragraph (1) substitute—

“(1) A riding establishment shall be managed and supervised by a licence holder or a person who to the satisfaction of the Department is qualified or experienced in the management of horses and has not been convicted of any offence for which a penalty is provided under the Act.”.

The Statutory Sick Pay (General) Regulations (Northern Ireland) 1982

8.—(1) The Statutory Sick Pay (General) Regulations (Northern Ireland) 1982⁽²⁾ shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 16 (meaning of “employee”)—

(a) in paragraph (1)—

(i) at the beginning insert the words “Subject to paragraph (1ZA),”; and

(ii) omit the words “over the age of 16”; and

(b) after paragraph (1) insert—

“(1ZA) Any person under the age of 16 who would have been treated as an employed earner or, as the case may be, would have been treated otherwise than as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations (Northern Ireland) 1978 had he been aged 16 or over, shall be treated as if he is aged 16 or over for the purposes of paragraph (1).”.

(3) In regulation 17(2) (meaning of “earnings”)—

(a) at the end of sub-paragraph (a), insert “(or would have been so excluded had he not been under the age of 16)”; and

(b) at the end of sub-paragraph (b), insert “(or where such a payment or amount would have been so excluded and in consequence he would not have been entitled to statutory sick pay had he not been under the age of 16)”.

The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987

9.—(1) The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987⁽³⁾ shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In regulation 17 (meaning of “employee”)—

(a) in paragraph (1)—

(1) S.R. 1980 No. 121

(2) S.R. 1982 No. 263; relevant amending Regulations are S.R. 1983 No. 54 and S.R. 1999 No. 117

(3) S.R. 1987 No. 30; relevant amending Regulations are S.R. 1999 No. 117

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- (i) at the beginning insert the words “Subject to paragraph (1A),”; and
- (ii) omit the words “over the age of 16”; and
- (b) after paragraph (1) insert—
 - “(1A) Any woman under the age of 16 who would have been treated as an employed earner or, as the case may be, would have been treated otherwise than as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations (Northern Ireland) 1978 had she been aged 16 or over, shall be treated as if she is aged 16 or over for the purposes of paragraph (1).”.
- (3) In regulation 20(2) (meaning of “earnings”)—
 - (a) at the end of sub-paragraph (a) insert “(or would have been so excluded had she not been under the age of 16)”; and
 - (b) at the end of sub-paragraph (b) insert “(or where such a payment or amount would have been so excluded and in consequence she would not have been entitled to statutory maternity pay had she not been under the age of 16)”.
- (4) Sub-paragraph (3) applies in relation to any case where the expected week of confinement begins on or after 14th January 2007.

The Employment Protection (Continuity of Employment) Regulations (Northern Ireland) 1996

10. Regulation 3 of the Employment Protection (Continuity of Employment) Regulations (Northern Ireland) 1996(4) shall be amended as follows—
- (a) at the end of paragraph (d) omit “or”; and
 - (b) after paragraph (e), add—
 - “or
 - (f) a decision taken arising out of the use of the statutory duty to consider procedure contained in Schedule 5 to the Employment Equality (Age) Regulations (Northern Ireland) 2006.”.

The Petshops Regulations (Northern Ireland) 2000

11. In the Schedule to the Petshops Regulations (Northern Ireland) 2000(5) (conditions for keeping petshops)—
- (a) omit paragraph 2; and
 - (b) for paragraph 3, substitute—
 - “3. The petshop shall be managed only by or left in the sole charge of a person who, to the satisfaction of the Department, has either sufficient experience or suitable training and qualifications to provide a reasonable level of care and supervision in respect of the number and range of species which are permitted to be kept within that petshop.”.

The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002

- 12.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002(6) shall be amended in accordance with sub-paragraphs (2) and (3).

(4) [S.R. 1996 No. 604](#); regulation 3(e) was inserted by regulation 17(c) of [S.R. 2004 No. 521](#)

(5) [S.R. 2000 No. 405](#)

(6) [S.R. 2002 No. 378](#)

- (2) In regulation 32 (treatment of persons as employees)—
 - (a) in paragraph (1)—
 - (i) at the beginning insert the words “Subject to paragraph (1A),”; and
 - (ii) omit the words “over the age of 16”; and
 - (b) after paragraph (1) insert—
 - “(1A) Any person under the age of 16 who would have been treated as an employed earner or, as the case may be, would have been treated otherwise than as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations (Northern Ireland) 1978 had he been aged 16 or over, shall be treated as if he is aged 16 or over for the purposes of paragraph (1).”.
- (3) In regulation 39(2) (meaning of “earnings”)—
 - (a) at the end of sub-paragraph (a), insert “(or would have been so excluded had he not been under the age of 16)”; and
 - (b) at the end of sub-paragraph (b), insert “(or where such a payment or amount would have been so excluded and in consequence he would not have been entitled to statutory paternity pay or, as the case may be, statutory adoption pay had he not been under the age of 16)”.

The Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003

13.—(1) Schedule 1 to the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003(7) shall be amended in accordance with sub-paragraphs (2) and (3).

- (2) In paragraph 1(1)—
 - (a) in the definition of “active member”, “deferred member”, “managers”, “pensioner member” and “trustees or managers”, omit the words “as at 2nd December 2003”; and
 - (b) in the definition of “occupational pension scheme”, omit the words “as at 2nd December 2003”.
- (3) In paragraph 1(2), omit the words “as at 2nd December 2003”.

The Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (Northern Ireland) 2004

14.—(1) The Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (Northern Ireland) 2004(8) shall be amended in accordance with sub-paragraphs (2) to (4).

- (2) In regulation 4(1) (dismissals to which the dismissal and disciplinary procedures do not apply)—
 - (a) at the end of sub-paragraph (f) omit “or”; and
 - (b) after sub-paragraph (g) add—
 - “,or
 - (h) the reason (or if more than one, the principal reason) for the dismissal is retirement of the employee (to be determined in accordance with Articles 130ZA to 130ZH of the 1996 Order).”.
- (3) In regulation 7(3) (circumstances in which parties are treated as complying with the grievance procedures) at the end add—
 - “regulation 41 of the Employment Equality (Age) Regulations (Northern Ireland) 2006”.

(7) S.R. 2003 No. 497

(8) S.R. 2004 No. 521

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(4) In regulation 14(2) (questions to obtain information not to constitute statement of grievance) at the end add—

“regulation 46 of the Employment Equality (Age) Regulations (Northern Ireland) 2006”.

The Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005

15.—(1) The Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005(9) shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation), immediately after the definition of “the Sexual Orientation Regulations” there shall be inserted the following definition—

““the Age Regulations” means the Employment Equality (Age) Regulations (Northern Ireland) 2006;”

(3) Rule 22 of Schedule 1 (fixed period for conciliation) shall be amended as follows—

(a) at the end of paragraph (1)(e) omit “and”; and

(b) after paragraph (1)(f), add—

“and

(g) the Age Regulations, regulation 41.”.

(4) In rule 60(9) of Schedule 1 (notices, etc.) for “or the Sexual Orientation Regulations” there shall be substituted “, the Sexual Orientation Regulations or the Age Regulations”.