
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART X

TERMINATION OF EMPLOYMENT

Minimum period of notice

Employments without normal working hours

121.—(1) If an employee does not have normal working hours under the contract of employment in force in the period of notice, the employer is liable to pay the employee for each week of the period of notice a sum not less than a week's pay.

(2) The employer's liability under this Article is conditional on the employee being ready and willing to do work of a reasonable nature and amount to earn a week's pay.

(3) Paragraph (2) does not apply—

- (a) in respect of any period during which the employee is incapable of work because of sickness or injury,
- (b) in respect of any period during which the employee is absent from work wholly or partly because of pregnancy or childbirth^[F1] or on^[F2] adoption leave, ^[F3]shared parental leave,[]] parental leave or ^[F4]paternity leave^{]]} , or
- (c) in respect of any period during which the employee is absent from work in accordance with the terms of his employment relating to holidays.

(4) Any payment made to an employee by his employer in respect of a period within paragraph (3) (whether by way of sick pay, statutory sick pay, maternity pay, statutory maternity pay,^[F2] paternity pay, ^[F5]statutory paternity pay[]] , adoption pay, statutory adoption pay,^[F6]shared parental pay, statutory shared parental pay,[]] holiday pay or otherwise) shall be taken into account for the purposes of this Article as if it were remuneration paid by the employer in respect of that period.

(5) Where notice was given by the employee, the employer's liability under this Article does not arise unless and until the employee leaves the service of the employer in pursuance of the notice.

F1 1999 NI 9

F2 2002 NI 2

F3 Words in art. 121(3)(b) inserted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), s. 23(1), **Sch. 1 para. 4(15)(a)(i)**; S.R. 2015/86, art. 3(2)(d)

F4 Words in art. 121(3)(b) substituted (5.4.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), s. 23(1), **Sch. 1 para. 4(15)(a)(ii)**; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))

F5 Words in art. 121(4) substituted (5.4.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), s. 23(1), **Sch. 1 para. 4(15)(b)(i)**; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))

Status: Point in time view as at 05/04/2015. This version of this provision has been superseded.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996, Section 121 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F6 Words in art. 121(4) inserted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), s. 23(1), [Sch. 1 para. 4\(15\)\(b\)\(ii\)](#); S.R. 2015/86, art. 3(2)(d)

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