

## SCHEDULES

### SCHEDULE 3

#### SERVICE COMPLAINTS APPEALS

##### *Working Time Regulations (Northern Ireland) 2016*

- 9 In regulation 49 of the [Working Time Regulations \(Northern Ireland\) 2016 \(S.R. \(N.I.\) 2016 No. 49\)](#) (armed forces)—
- (a) in paragraph (2), for sub-paragraph (a) substitute—
    - “(a) that person (“the complainant”) has made a service complaint in respect of the same matter, and”;
  - (b) for paragraph (3) substitute—
    - “(3) Where the service complaint is dealt with by a person or panel appointed by the Defence Council by virtue of section 340C(1)(a) of the Armed Forces Act 2006, it is to be treated for the purposes of paragraph (2)(b) as withdrawn if—
      - (a) the period allowed in accordance with service complaints regulations for bringing an appeal against the person’s or panel’s decision expires,
      - (b) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and
      - (c) either—
        - (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6)(a) of the Armed Forces Act 2006 (review of decision that appeal brought out of time cannot proceed), or
        - (ii) the complainant does apply for such a review and the Ombudsman decides that an appeal against the person’s or panel’s decision cannot be proceeded with.”;
  - (c) in paragraph (4), for “service redress procedures” substitute “procedures set out in service complaints regulations”;
  - (d) for paragraph (5) substitute—
    - “(5) In this regulation—
      - “service complaint” means a complaint under section 340A of the Armed Forces Act 2006;
      - “service complaints regulations” means regulations made under section 340B(1) of that Act.”