

**2009 No. 595**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Flexible Working (Eligibility, Complaints and Remedies)  
(Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>10th March 2009</i>
<i>Laid before Parliament</i>		<i>12th March 2009</i>
<i>Coming into force</i>	- -	<i>6th April 2009</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 80F(1)(b) and (10) of the Employment Rights Act 1996(a).

**Citation and commencement**

1. These Regulations may be cited as the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2009 and shall come into force on 6th April 2009.

**Amendment of the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002**

2.—(1) The Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002(b) are amended as follows.

(2) For regulation 3A, substitute—

“An application under regulation 3 must be made before the day on which the child concerned reaches the age of 17 or, if disabled, 18.”

10th March 2009

*Pat McFadden*  
Minister of State for Employment Relations and Postal Affairs  
Department for Business, Enterprise and Regulatory Reform

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(a) 1996 c. 18. Section 80F was inserted by section 47 of the Employment Act 2002 (c. 22) and subsequently amended by section 12 of the Work and Families Act 2006 (c. 18).  
(b) S.I. 2002/3236. A relevant amending instrument is the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2006 (S.I. 2006/3314).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 (S.I. 2002/3236), widening the scope of the right of employees (under section 80F of the Employment Rights Act 1996) to request a contract variation. The right previously applied to carers of children under 6 or disabled children under 18, as well as employees who care for certain adults. It is extended to cover carers of children under 17.

A Regulatory Impact Assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Alan Martin, Department for Business, Enterprise and Regulatory Reform, 1, Victoria Street, London, SW1H 0ET and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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