

## SCHEDULE

### AMENDMENTS TO EMPLOYMENT RIGHTS LEGISLATION EXTENDING TO NORTHERN IRELAND

## PART 2

### SECONDARY LEGISLATION

#### **Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2002**

5.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2002<sup>(1)</sup> are amended as follows.

(2) In regulation 3 (treatment of persons in other EEA States as employees)—

- (a) in the heading omit “other”;
- (b) in sub-paragraph (a) omit the words “other than the United Kingdom”;
- (c) in sub-paragraph (b) after “1408/71” insert “as amended from time to time or Regulation (EC) No 883/2004<sup>(2)</sup> of the European Parliament and of the Council of 29 April 2004 as amended from time to time on the coordination of social security systems”.

(3) In regulation 5 (entitlement to statutory paternity pay where person has worked in an EEA State)—

- (a) in paragraph (1)—
  - (i) in sub-paragraph (b) for “another” substitute “an”;
  - (ii) after sub-paragraph (b) for “the other EEA” substitute “the EEA”;
- (b) in paragraph (2)—
  - (i) in sub-paragraph (b) for “another” substitute “an”;
  - (ii) after sub-paragraph (b) for “the other EEA” substitute “the EEA”.

(4) In regulation 6 (entitlement to statutory adoption pay where person has worked in an EEA State)—

- (a) in sub-paragraph (b) for “another” substitute “an”;
- (b) after sub-paragraph (b) for “the other EEA” substitute “the EEA”.

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

6. In Schedule 1 (Industrial Tribunal Rules of Procedure) to the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005<sup>(3)</sup> omit paragraph 57 (references to the European Court of Justice).

---

(1) S.R.(N.I.) 2002 No. 382; relevant amendments are S.R.(N.I.) 2010 No. 306 and S.R.(N.I.) 2015 No. 146.

(2) Regulation (EC) 883/2004, of 29 April 2004, of the European Parliament and of the Council on the coordination of social security systems O.J. No. L166, 30.4.04, p.1-123.

(3) S.R.(N.I.) 2005 No. 150; to which there are amendments not relevant to these Regulations.

*Status: This is the original version (as it was originally made).*

### **The Fair Employment Tribunal (Rules of Procedure) Regulations (Northern Ireland) 2005**

7. In Schedule 1 (Fair Employment Tribunal Rules of Procedure) to the Fair Employment Tribunal (Rules of Procedure) Regulations (Northern Ireland) 2005(4) omit paragraph 44 (references to the European Court of Justice).

### **The Statutory Shared Parental Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2015**

8.—(1) The Statutory Shared Parental Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2015(5) are amended as follows.

(2) In regulation 5 (treatment of persons in other EEA States as employees)—

- (a) in the heading omit “other”;
- (b) in sub-paragraph (a) omit “other than the United Kingdom”;
- (c) in sub-paragraph (b) after “1408/71” insert “as amended from time to time or Regulation (EC) 883/2004 of the European Parliament and of the Council of 29 April 2004 as amended from time to time on the coordination of social security systems”.

(3) In regulation 7 (entitlement to statutory shared parental pay where person has worked in an EEA State)—

- (a) in paragraph (1)—
  - (i) in sub-paragraph (c) for “another” substitute “an”;
  - (ii) after sub-paragraph (c) for “the other EEA” substitute “the EEA”;
- (b) in paragraph (2)—
  - (i) in sub-paragraph (c) for “another” substitute “an”;
  - (ii) after sub-paragraph (c) for “the other EEA” substitute “the EEA”.

(4) In Schedule 2 (adoptions from overseas) in paragraph 6(1), in the modified version of regulation 7(2)—

- (a) in sub-paragraph (c) for “another” substitute “an”;
- (b) after sub-paragraph (c) for “the other EEA” substitute “the EEA”.

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

9.—(1) The Working Time Regulations (Northern Ireland) 2016(6) are amended as follows.

(2) Regulation 22 (excluded sectors) is amended as follows—

- (a) in paragraph (2) for sub-paragraph (b) substitute—
  - “(b) to workers to whom the Civil Aviation (Working Time) Regulations 2004(7) apply.”;
- (b) in paragraph (3) for the words from “Directive 2002/15/EC” to the end substitute “the Road Transport (Working Time) Regulations (Northern Ireland) 2005(8) apply”.

(4) S.R.(N.I.) 2005 No. 151; to which there are amendments not relevant to these Regulations.

(5) S.R.(N.I.) 2015 No. 103.

(6) S.R.(N.I.) 2016 No. 49.

(7) S.I. 2004/756.

(8) S.R.(N.I.) 2005 No. 241; amended by S.R.(N.I.) 2007 No. 323 and S.R.(N.I.) 2012 No. 169.

## **The Posted Workers (Enforcement of Employment Rights) Regulations (Northern Ireland) 2016**

**10.**—(1) The Posted Workers (Enforcement of Employment Rights) Regulations (Northern Ireland) 2016<sup>(9)</sup> are amended as follows.

(2) In regulation 3 (scope of application of Part 2)—

(a) in paragraph (2)—

(i) for the definition of “employer” substitute—

““employer” means a service provider established in the United Kingdom or a Member State which posts or hires out workers in a manner described by paragraph 3 of Article 1 of [Directive 96/71/EC](#)<sup>(10)</sup>”;

(ii) in the definition of “posted worker in the construction sector”, in sub-paragraph (a), omit “other than the United Kingdom”.

(b) after paragraph (2) insert—

“(3) For the purposes of the definition of “employer” in paragraph (2), paragraph 3 of Article 1 of [Directive 96/71/EC](#) is to be read as if—

(a) in point (a)—

(i) after “post workers to” there were inserted “the United Kingdom or”;

(ii) after “operating in” there were inserted “the United Kingdom or”;

(b) in point (b), after “by the group in” there were inserted “the United Kingdom or”;

(c) in point (c), after “operating in” there were inserted “the United Kingdom or”.

(3) In regulation 8 (cross-border enforcement of financial administrative penalties and fines) omit “other than the United Kingdom” in each place it occurs.

---

<sup>(9)</sup> S.R.(N.I.) 2016 No. 242.

<sup>(10)</sup> O.J. No. L18, 21.1.1997, p.1.