EXPLANATORY MEMORANDUM TO

THE PARENTAL BEREAVEMENT LEAVE AND PAY (CONSEQUENTIAL AMENDMENTS TO SUBORDINATE LEGISLATION) (NO. 2) REGULATIONS (NORTHERN IRELAND) 2022

2022 No.236

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for the Economy to accompany the Statutory Rule and is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers inserted into the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the Employment Rights (Northern Ireland) Order 1996 by the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 and is subject to the confirmatory resolution procedure.

2. Purpose

2.1 These Regulations revoke and re-enact the provisions of the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations (Northern Ireland) 2022.

2.2 These Regulations amend various pieces of secondary legislation (which make provision for certain benefits) to reflect the introduction of Parental Bereavement Leave and Pay, which is a new statutory entitlement for employed parents who lose a child on or after 6th April 2022. When calculating entitlements to certain other benefits or rights, leave from work and pay is often a relevant factor. These Regulations make provisions to ensure that it is clear in those pieces of secondary legislation how parental bereavement leave and pay is to be treated in those calculations.

2.3 These Regulations make amendments to secondary legislation arising from the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022, which made provision for a new entitlement to parental bereavement leave and statutory parental bereavement pay. Specifically, this Statutory Rule amends existing secondary legislation to insert references to "parental bereavement leave" and "statutory parental bereavement pay".

3. Background

3.1 The objectives of the Parental Bereavement Leave and Pay policy are to:

- give bereaved employees a statutory right to paid leave to provide space for them to grieve following the death of a child, and
- to send a signal to employees and employers about the importance and value of recognising bereavement and providing adequate support for parents in such circumstances.

3.2 This Statutory Rule supports these objectives by ensuring that it is clear how parental bereavement leave and pay should be treated when calculating entitlement to other benefits where leave and pay is relevant. It does this by inserting references to

"parental bereavement leave" and "statutory parental bereavement pay" into other secondary legislation to ensure that these entitlements are treated in the same way as other family-related leave and pay entitlements for the purposes of calculating entitlement to other statutory 'benefits' or schemes.

3.3 The revocation and re-enactment of provisions by these Regulations does not affect the continuity of the law. The transitional provisions provide a continuity of entitlement, obligation, process and responsibility between the respective revoked and re-enacted provisions.

4. Consultation

4.1 As the amendments contained in this Statutory Rule are technical in nature and do not involve policy changes, they have not been subject to public consultation.

5. Equality Impact

5.1 As the amendments contained in this Statutory Rule are technical in nature and do not involve policy changes, they have not been subject to an Equality Impact Assessment.

6. Regulatory Impact

6.1 Given the technical nature of this Statutory Rule, no regulatory impact assessment is required. There are no impacts on the private, voluntary or public sector as a result of these changes.

7. Financial Implications

7.1 None for the Department.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department considers that the Statutory Rule complies with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 The Statutory Rule is not necessary for parity elsewhere.

11. Additional Information

11.1 Not applicable.

12. Contact

12.1 Gareth Dillon at the Department for the Economy Telephone: 02890416728 or email: Gareth.dillon@economy-ni.gov.uk can be contacted with any queries regarding the instrument.

12.2 Colin Jack, Director of Business and Employment Regulation, at the Department for the Economy can confirm that this Explanatory Memorandum meets the required standard.