STATUTORY RULES OF NORTHERN IRELAND

# 2015 No. 89

# EMPLOYMENT

## WORK AND FAMILIES

# The Statutory Paternity Pay and Statutory Adoption Pay (General) (Amendment) Regulations (Northern Ireland) 2015

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| *Made - - - -* | *2nd March 2015* |
| *Coming into operation -* | *15th March 2015* |

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by section 167ZC(1A) and (3)(c) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**).

### Citation and commencement

**1.** These Regulations may be cited as the Statutory Paternity Pay and Statutory Adoption Pay (General) (Amendment) Regulations (Northern Ireland) 2015 and come into operation on 15th March 2015.

### Application

**2.** The amendments to the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002(**b**) provided for by regulations 4 to 9 apply in relation to an entitlement to—

(a) statutory paternity pay (birth), only in respect of children whose expected week of birth begins on or after 5th April 2015;

(b) statutory paternity pay (adoption), only in respect of children placed for adoption on or after 5th April 2015.

### Amendments to the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002

**3.** The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002 are amended as follows.

**4.** After regulation 5 (modification of entitlement conditions: early birth) insert—

(**a**) 1992 c. 7. Section 167ZC was inserted by the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)), Article 5, amended by the Work and Families (Northern Ireland) Order 2006 (SI. 2006/1947 (N.I. 16)), Schedule 1, paragraph 13 and by the Work and Families Act (Northern Ireland) 2015 (c. 1 (N.I.)), section 12(2).

(**b**) S.R. 2002 No. 378, to which there are amendments not relevant to these Regulations.

**"Notice of entitlement to statutory paternity pay (birth)**

**5A.** The notice provided for in section 167ZC(1) of the Act must be given to the employer—

(a) in or before the 15th week before the expected week of the child's birth, or

(b) in a case where it was not reasonably practicable for the employee to give the notice in accordance with paragraph (a), as soon as is reasonably practicable.".

**5.** In regulation 6 (period of statutory paternity pay (birth)), for paragraph (4) substitute—

"(4) An employee who has made a choice in accordance with paragraph (1) may vary the date chosen provided that the employee gives the employer notice of the variation—

(a) where the variation is to provide for the employee's statutory paternity pay period to begin on the date on which the child is born, or where he is at work on that day, the following day, at least 28 days before the first day of the expected week of the child's birth;

(b) where the variation is to provide for the employee's statutory paternity pay period to begin on a date that is a specified number of days (or a different specified number of days) after the date on which the child is born, at least 28 days before the date falling that number of days after the first day of the expected week of the child's birth;

(c) where the variation is to provide for the employee's statutory paternity pay period to begin on a predetermined date (or a different predetermined date), at least 28 days before that date,

or, if it is not reasonably practicable to give the notice at least 28 days before whichever day or date is relevant, as soon as is reasonably practicable.".

**6.** In regulation 9 (evidence of entitlement to statutory paternity pay (birth)) for paragraph (3) substitute—

"(3) The information and declaration referred to in paragraph (1) shall be provided—

(a) in or before the 15th week before the expected week of the child's birth, or

(b) in a case where it was not reasonably practicable for the employee to provide it in accordance with sub-paragraph (a), as soon as reasonably practicable.".

**7.** After regulation 11 (conditions of entitlement to statutory paternity pay (adoption)) insert—

**"Notice of entitlement to statutory paternity pay (adoption)**

**11A.** The notice provided for in section 167ZC(1) of the Act must be given to the employer—

(a) no more than seven days after the date on which the adopter is notified of having been matched with the child, or

(b) in a case where it was not reasonably practicable for the employee to give notice in accordance with paragraph (a), as soon as is reasonably practicable.".

**8.** In regulation 12 (period of payment of statutory paternity pay (adoption)), for paragraph (4) substitute—

"(4) An employee who has made a choice in accordance with paragraph (1) may vary the date chosen provided that the employee gives the employer notice of the variation—

(a) where the variation is to provide for the employee's statutory paternity pay period to begin on the date on which the child is placed with the adopter or, where the person is at work on that day, the following day, at least 28 days before the date provided under regulation 15(2)(b) as the date on which the child is expected to be placed for adoption;

(b) where the variation is to provide for the employee's statutory paternity pay period to begin on a date that is a specified number of days (or a different specified number of days) after the date on which the child is placed with the adopter, at least 28 days before the date falling that number of days after the date provided under regulation 15(2)(b) as the date on which the child is expected to be placed for adoption;

(c) where the variation is to provide for the employee's statutory paternity pay period to begin on a predetermined date, at least 28 days before that date,

or, if it is not reasonably practicable to give the notice at least 28 days before whichever date is relevant, as soon as is reasonably practicable.".

**9.** In regulation 15 (evidence of entitlement to statutory paternity pay (adoption)), for paragraph (3) substitute—

"(3) The information and declaration referred to in paragraph (1) shall be provided—

(a) no more than seven days after the date on which the adopter is notified of having been matched with the child, or

(b) in a case where it was not reasonably practicable for the employee to provide it in accordance with sub-paragraph (a), as soon as is reasonably practicable.".

Sealed with the Official Seal of the Department for Employment and Learning on 2nd March 2015.

L.S.

*Dr Stephen Farry*
Minister for Employment and Learning

## EXPLANATORY NOTE

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

These Regulations amend the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002 (S.R. No. 378) ("the Pay Regulations").

Regulation 4 inserts a new regulation 5A into the Pay Regulations to align the notice period for statutory paternity pay (birth) with that for statutory paternity leave (birth) in the Paternity and Adoption Leave Regulations (Northern Ireland) 2002 (S.R. 2002 No. 377) ("the Leave Regulations"). The notice must be provided in or before the 15th week before the expected week of birth.

Regulation 5 amends the Pay Regulations to align the provisions for varying the choice of when a period of statutory paternity pay (birth) will begin with those for statutory paternity leave (birth) in the Leave Regulations, so that notice must be given 28 days before the relevant day or date.

Regulation 6 amends the Pay Regulations so that the time for providing information and evidence regarding a person's entitlement to statutory paternity pay (birth) is aligned with that for providing notice.

Regulation 7 inserts a new regulation 11A into the Pay Regulations to align the notice period for statutory paternity pay (adoption) with that for statutory paternity leave (adoption) in the Leave Regulations. The notice must be provided no more than seven days after the date on which the adopter is notified of having been matched with the child.

Regulation 8 amends the Pay Regulations to align the provisions for varying the choice of when the period of statutory paternity pay (adoption) will begin with those for statutory paternity leave (adoption) in the Leave Regulations, so that the notice must be given 28 days before the relevant date.

Regulation 9 amends regulation 15 of the Pay Regulations so that the time for providing information and evidence regarding a person's entitlement to statutory paternity pay (adoption) is aligned with that for providing notice.

Regulations 4 to 9 all contain a provision that if it is not reasonably practicable to meet the relevant deadline then it must be met as soon as is reasonably practicable.

An impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impacts were assessed within the document 'Sharing parental rights, extending flexibility at work – public consultation', published in May 2013 (www.delni.gov.uk/index/consultation-zone/archived-consultations/archived-consultations-2013/working-parents-rights.htm), and supplemented by a further publication in April 2014 (http://www.delni.gov.uk/index/publications/equality-good-relations/shared-parental-leave-and-pay.htm).

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