STATUTORY RULES OF NORTHERN IRELAND

2016 No. 133

EMPLOYMENT

WORK AND FAMILIES

The Statutory Paternity Pay, Statutory Adoption Pay and Statutory Shared Parental Pay (Amendment) Regulations (Northern Ireland) 2016

Made - - - -	*2nd March 2016*
Coming into operation	*3rd April 2016*

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by sections 167ZJ(1) and (5), 167ZS(1) and (5) and 167ZZ7(1) and (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) with the concurrence of the Commissioners for Her Majesty's Revenue and Customs(**2**) in so far as such concurrence is required.

Citation and commencement

1.—(1) These Regulations may be cited as the Statutory Paternity Pay, Statutory Adoption Pay and Statutory Shared Parental Pay (Amendment) Regulations (Northern Ireland) 2016.

(2) These Regulations come into operation on 3rd April 2016.

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

2.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002(**3**) are amended in accordance with paragraph (2).

(2) After regulation 35 (continuous employment and stoppages of work) insert—

(**1**) 1992 c. 7. Section 167ZJ was inserted by the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)), Article 5. Subsection (5) was amended by the Work and Families Act (Northern Ireland) 2015, section 14(1) and Schedule 1, paragraph 2(17). Section 167ZS was inserted by the Employment (Northern Ireland) Order 2002, Article 6. Section 167ZZ7 was inserted by the Work and Families Act (Northern Ireland) 2015, section 5(2).

(**2**) Requirement for concurrence is stipulated in 1992 c. 7, sections 167ZJ(13), 167ZS(13) and 167ZZ7(13). References to Commissioners of Inland Revenue are to be construed as references to Commissioners for Her Majesty's Revenue and Customs in accordance with the Commissioners for Revenue and Customs Act 2005, (2005 c. 11), section 50(1).

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

"**Meaning of "week"**

35A.—(1) This regulation applies where a person ("P") has been in employed earner's employment with the same employer in each of 26 consecutive weeks (but no more than 26 weeks), ending with—

(a) in relation to P's entitlement to statutory paternity pay (birth), the week immediately preceding the 14th week before the expected week of the child's birth, or

(b) in relation to P's entitlement to statutory paternity pay (adoption), the week in which P is notified that P has been matched with the child for the purposes of adoption.

(2) For the purpose of determining whether P's employment amounts to a continuous period of at least 26 weeks (see sections 167ZA(2)(b) and 167ZL(2)(b) of the Act), the first of those 26 weeks is a period commencing on the first day of P's employment with the employer ("the start date") and ending at midnight on—

(a) the first Saturday after the start date, or

(b) where the start date is a Saturday, that day.".

Amendments to the Statutory Shared Parental Pay (General) Regulations (Northern Ireland) 2015

3.—(1) The Statutory Shared Parental Pay (General) Regulations (Northern Ireland) 2015(**4**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 30 (conditions as to continuity of employment and normal weekly earnings relating to a claimant for statutory shared parental pay (birth)), after paragraph (1) insert—

"(1A) Paragraph (1B) applies where a person has been in employed earner's employment with the same employer in each of 26 consecutive weeks (but no more than 26 weeks), ending with the relevant week.

(1B) For the purpose of determining whether a person meets the condition in paragraph (1)(a), the first of those 26 weeks is a period commencing on the first day of the person's employment with the employer ("the start date") and ending at midnight on—

(a) the first Saturday after the start date, or

(b) where the start date is a Saturday, that day.".

(3) In regulation 31 (conditions as to continuity of employment and normal weekly earnings in relation to a claimant for statutory shared parental pay (adoption)), after paragraph (1) insert—

"(1A) Paragraph (1B) applies where a person has been in employed earner's employment with the same employer in each of 26 consecutive weeks (but no more than 26 weeks), ending with the relevant week.

(1B) For the purpose of determining whether a person meets the condition in paragraph (1)(a), the first of those 26 weeks is a period commencing on the first day of the person's employment with the employer ("the start date") and ending at midnight on—

(a) the first Saturday after the start date, or

(b) where the start date is a Saturday, that day.".

(**4**) S.R. 2015 No. 94.