STATUTORY RULES OF NORTHERN IRELAND

2015 No. 146

EMPLOYMENT

WORK AND FAMILIES

The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order (Northern Ireland) 2015

Made - - - -	*12th March 2015*
Coming into operation	*15th March 2015*

The Department for Employment and Learning makes the following Order in exercise of the powers conferred by section 21(1) and (2) of the Work and Families Act (Northern Ireland) 2015(**1**).

Citation and commencement

1.—(1) This Order may be cited as the Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order (Northern Ireland) 2015.

(2) The provisions of this Order specified in article 26 come into operation on 15th March 2015.

(3) The remaining provisions of this Order come into operation on 5th April 2015.

Social Security (Credits) Regulations (Northern Ireland) 1975

2. Regulation 9C of the Social Security (Credits) Regulations (Northern Ireland) 1975(**2**) is amended as follows—

(a) in the title, after "adoption pay period," insert "shared parental pay period,";

(b) omit sub-paragraph (2)(aa);

(c) at the end of paragraph (2)(b) for "." substitute "; or";

(d) after paragraph (2)(b) insert—

"(c) the shared parental pay period in respect of which statutory shared parental pay is paid to a person.";

(e) in paragraph (5)—

(**1**) 2015 c.1.
(**2**) S.R. 1975 No. 113; amended by S.R. 2012 No. 109, there are other amending regulations but none is relevant.

(i) the words after "In this regulation" become sub-paragraph (a);

(ii) omit "additional paternity pay period" and "additional statutory paternity pay"

(iii) after sub-paragraph (a) (as renumbered) insert—

"(b) "statutory shared parental pay" means statutory shared parental pay payable in accordance with Part 12ZC of that Act and "shared parental pay period" means the weeks in respect of which statutory shared parental pay is payable to a person under section 167ZZ2(2) of that Act.".

Statutory Sick Pay (General) Regulations (Northern Ireland) 1982

3. In the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(**3**), in regulation 17 (meaning of "earnings"), in paragraph (3)—

(a) at the end of sub-paragraph (j) for "." substitute ";";

(b) at the end insert—

"(k) any sum payable by way of statutory shared parental pay, including any sums payable in accordance with regulations made under section 167ZZ1(3) of the Contributions and Benefits Act.".

Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987

4.—(1) The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**4**) are amended as follows.

(2) In regulation 11 (continuous employment), in paragraph (1)(e), after "adoption leave" insert ", shared parental leave".

(3) In regulation 20 (meaning of "earnings"), in paragraph (4)—

(a) at the end of sub-paragraph (g) for "." substitute ";";

(b) at the end insert—

"(h) any sum payable by way of statutory shared parental pay, including any sums payable in accordance with regulations made under section 167ZZ1(3) of the Contributions and Benefits Act.".

Income Support (General) Regulations (Northern Ireland) 1987

5.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**5**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) in the definition of "paternity leave"—

(i) omit "ordinary";

(ii) omit "or on additional paternity leave by virtue of Article 112AA or 112BB of that Order";

(b) at the appropriate place there is inserted—

""shared parental leave" means leave under Article 107E or 107G of the Employment Rights (Northern Ireland) Order 1996;".

(**3**) S.R. 1982 No. 263, amended by S.R. 2002 No. 359, there are other amending regulations but none is relevant.
(**4**) S.R. 1987 No. 30; amended by SR. 2002 No. 359, there are other amending regulations but none is relevant.
(**5**) S.R. 1987 No. 459.

(3) In regulation 5 (persons treated as engaged in remunerative work), in paragraph 3A for "or adoption leave" substitute ", adoption leave or shared parental leave".

(4) In regulation 35 (earnings of employed earners), in paragraph (2)(b) for "or adoption leave" substitute ", adoption leave or shared parental leave".

(5) In Schedule 1B (prescribed categories of person) in paragraph 14B omit "ordinary" in both places where that word appears.

(6) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 4—

(i) omit "ordinary or additional";

(ii) for "or adoption leave" substitute ", adoption leave or shared parental leave";

(b) in paragraph 4A—

(i) omit "ordinary or additional";

(ii) for "or statutory adoption pay under Part 12ZB of that Act" substitute ", statutory adoption pay under Part 12ZB of that Act or statutory shared parental pay under Part 12ZC of that Act".

Child Support (Maintenance Assessment and Special Cases) Regulations (Northern Ireland) 1992

6. Paragraph 1(1)(gg) of Schedule 1 (calculation of N and M) to the Child Support (Maintenance Assessment and Special Cases) Regulations (Northern Ireland) 1992(**6**) is amended as follows—

(a) for "or" substitute ",";

(b) at the end insert "or any statutory shared parental pay under Part 12ZC of that Act".

Jobseeker's Allowance Regulations (Northern Ireland) 1996

7.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**7**) are amended as follows—

(2) In regulation 1 (interpretation), in paragraph (2), in the definition of "paternity leave"—

(a) omit "ordinary";

(b) omit "or on additional paternity leave by virtue of Article 112AA or 112BB of that Order";

(c) at the appropriate place there is inserted—

""shared parental leave" means leave under Article 107E to 107G of the Employment Rights (Northern Ireland) Order 1996;".

(3) In regulation 15 (circumstances in which a person is not to be regarded as available), in paragraph (bc) after "paternity leave" insert ", shared parental leave".

(4) In regulation 52 (persons treated as engaged in remunerative work), in paragraph (1), after "adoption leave" insert ", shared parental leave".

(5) In regulation 98 (earnings of employed earners), in paragraph (2)(c), after "adoption leave" insert ", shared parental leave".

(6) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 4—

(**6**) S.R. 1992 No. 341: amended by S.R. 2004 No. 428, there are other amending regulations but none is relevant. S.R. 1992 No. 341 was revoked by S.R. 2001 No. 18 with savings; S.R, 2001 No. 18 was revoked by S.R. 2012 No. 48 with savings.

(**7**) S.R. 1996 No. 198; amended by S.R. 2002 No. 363, S.R. 2008 No. 112 and S.R. 2012 No. 121; there are other amending regulations but none are relevant.

(i) for "ordinary or additional statutory paternity pay" substitute "statutory paternity pay";

(ii) after "statutory adoption pay by virtue of Part 12ZB of the Benefits Act," insert "statutory shared parental pay by virtue of Part 12ZC of the Benefits Act,";

(iii) for "or adoption leave" substitute ", adoption leave or shared parental leave".

(b) in paragraph 5—

(i) for "ordinary or additional statutory paternity pay" substitute "statutory paternity pay";

(ii) for "or statutory adoption pay" substitute "statutory shared parental pay or statutory adoption pay".

Social Security (Maternity Allowance) (Earnings) Regulations (Northern Ireland) 2000

8. In the Social Security (Maternity Allowance) (Earnings) Regulations (Northern Ireland) 2000(**8**), in regulation 2 (specified payments for employed earners), in paragraph (1)—

(a) at the end of sub-paragraph (g) for "." substitute ";";

(b) at the end insert—

"(h) any sum payable by way of statutory shared parental pay, including any sums payable in accordance with regulations made under section 167ZZ1(3) of the Contributions and Benefits Act;".

Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001

9. In paragraph 4(1)(dd) of the Schedule (net weekly income) to the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(**9**)—

(a) for "or" substitute ",";

(b) at the end insert "or any statutory shared parental pay under Part 12ZC of that Act".

State Pension Credit Regulations (Northern Ireland) 2003

10.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**10**) are amended as follows.

(2) In regulation 1 (interpretation), in paragraph (2)—

(a) in the definition of "paternity leave"—

(i) omit "ordinary";

(ii) omit "or on additional paternity leave by virtue of Article 112AA or 112BB of that Order";

(b) at the appropriate place there is inserted—

""shared parental leave" means leave under Article107E or 107G of the Employment Rights (Northern Ireland) Order 1996;".

(3) In regulation 15 (income for the purposes of the Act) in paragraph (1)—

(**8**) S.R. 2000 No. 104; amended by S.R. 2002 No. 359, there are other amending regulations but none is relevant.
(**9**) S.R. 2001 No.18; amended by S.R. 2004 No. 428, there are other amending regulations but none is relevant; S.R. 2001 No. 18 was revoked by S.R. 2012 No. 48 with savings.
(**10**) S.R. 2003 No. 28; amended by S.R. 2003 No. 421 and S.R. 2012 No. 121, there are other amending regulations but none is relevant.

(a) in sub-paragraph (p) omit "ordinary";

(b) omit sub-paragraph (pa);

(c) after sub-paragraph (p) insert—

"(pb) statutory shared parental pay payable under Part 12ZC of the Contributions and Benefits Act;".

(4) In regulation 17A (earnings of an employed earner), in paragraph (2)—

(a) in sub-paragraph (i) omit "ordinary";

(b) omit sub-paragraph (ia);

(c) after sub-paragraph (i) insert—

"(ib) statutory shared parental pay payable under Part 12ZC of the Contributions and Benefits Act;".

(5) In Schedule 2 (housing costs), in paragraph 2 (remunerative work), in sub-paragraph (7) after "paternity leave" insert ", shared parental leave".

Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002

11.—(1) Regulation 5 (time off in connection with childbirth and adoption) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(**11**) is amended as follows.

(2) In sub-paragraph (ea), omit "Articles 112AA or 112BB of the Employment Rights (Northern Ireland) Order 1996,".

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

12.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2002(**12**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

(a) omit the definitions of "additional statutory paternity pay (adoption)" and "additional statutory paternity pay (birth)";

(b) in the definition of "ordinary statutory paternity pay (adoption)" omit "ordinary";

(c) in the definition of "ordinary statutory paternity pay (birth)" omit "ordinary".

(3) In regulation 2 (restriction on scope) omit "ordinary and additional".

(4) In regulation 5 (entitlement where a person has worked in an EEA state)—

(a) in the heading for "ordinary statutory paternity pay and additional statutory paternity pay" substitute "statutory paternity pay";

(b) in paragraph (1)—

(i) for "(entitlement to ordinary statutory paternity pay (birth))" substitute "(entitlement to statutory paternity pay (birth))";

(ii) omit "and section 167ZEA of the Act (entitlement to additional statutory paternity pay (birth))".

(c) in paragraph (2)—

(i) for "(entitlement to ordinary statutory paternity pay (adoption))" substitute "(entitlement to statutory paternity pay (adoption))";

(**11**) S.I. 2002/2005; amended by S.I. 2003/701 and S.I. 2010/2492; there are other amending instruments but none is relevant.
(**12**) S.R. 2002 No. 382; amended by S,R. 2010 No. 306.