STATUTORY RULES OF NORTHERN IRELAND

2010 No. 301

EMPLOYMENT

WORK AND FAMILIES

The Additional Statutory Paternity Pay (Health and Social Care Employees) Regulations (Northern Ireland) 2010

Made - - - -	*9th September 2010*
Coming into operation	*3rd October 2010*

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by section 167ZJ(9) and (10) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and with the concurrence of the Commissioners for Her Majesty's Revenue and Customs(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Additional Statutory Paternity Pay (Health and Social Care Employees) Regulations (Northern Ireland) 2010 and come into operation on 3rd October 2010.

(2) In these Regulations—

"the Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

"additional statutory paternity pay" means additional statutory paternity pay payable in accordance with the provisions of Part 12ZA of the Act where the conditions specified in section 167ZEA(2) or 167ZEB(2) are satisfied(**3**);

"additional statutory paternity pay period" means the period, determined in accordance with section 167ZEE of the Act(**4**) and with regulations(**5**) made under that section, as the period in respect of which additional statutory paternity pay is payable;

(**1**) 1992 c. 7. Section 167ZJ was inserted by Article 5 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)).

(**2**) By virtue of section 167ZJ(13) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, regulations made by the Department for Employment and Learning pursuant to section 167ZJ(9) and (10) of that Act must be made with the concurrence of the Commissioners of Inland Revenue. By virtue of section 50(1) of the Commissioners for Revenue and Customs Act 2005 (c. 11), references to the Commissioners of Inland Revenue in statutory provisions are to be taken as references to the Commissioners for Her Majesty's Revenue and Customs.

(**3**) Part 12ZA was inserted by Article 5 of the Employment (Northern Ireland) Order 2002. Sections 167ZEA and 167ZEB were inserted into Part 12ZA by Articles 8 and 9 of the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16)).

(**4**) Section 167ZEE was inserted by Article 12 of the Work and Families (Northern Ireland) Order 2006.

"Regional Health and Social Care Board" means the body established under Article 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009(**6**);

(3) References in these Regulations to Part 12ZA of the Act are references to sections 167ZEA to 167ZEE and, in so far as they concern additional statutory paternity pay, to sections 167ZF to 167ZJ of the Act.

Treatment of more than one contract of employment as one contract

2. Where, as a consequence of the establishment of one or more Health and Social Care trusts under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(**7**), a person's contract of employment is treated by a scheme under Article 12 of that Order as divided so as to constitute two or more contracts, that person may elect for all those contracts to be treated as one contract for the purposes of Part 12ZA of the Act.

Notification of election

3. A person who makes an election under regulation 2 shall give written notification of that election to each of their employers under the two or more contracts of employment mentioned in that regulation at least 28 days before the beginning of the additional statutory paternity pay period or, if in the particular circumstances that is not practicable, as soon as is reasonably practicable.

Provision of information

4. A person who makes an election under regulation 2 shall, within 28 days of giving notification of that election or, if in the particular circumstances that is not practicable, as soon as is reasonably practicable thereafter, provide each of their employers under the two or more contracts of employment mentioned in that regulation with the following information—

(a) the name and address of each of those employers;

(b) the date their employment with each of those employers commenced; and

(c) details of their normal weekly earnings during the relevant period from each employer, and for this purpose the expressions "normal weekly earnings" and "relevant period" have the same meanings as they have for the purposes of Part 12ZA of the Act(**8**).

Treatment of two or more employers as one

5. The employer to be regarded for the purposes of additional statutory paternity pay as the employer under the one contract where two or more contracts of employment are treated as one in accordance with regulation 2 shall be—

(a) the Regional Health and Social Care Board from which the person was transferred in a case where any one of the contracts of employment is with that Regional Health and Social Care Board; or

(b) the first Health and Social Care trust to which a contract of employment was transferred in a case where none of the contracts of employment are with the Regional Health and Social Care Board.

(**5**) The regulations referred to are the Additional Statutory Paternity Pay (General) Regulations (Northern Ireland) 2010 (S.R. 2010 No. 300) and the Additional Statutory Paternity Pay (Adoptions from Overseas) Regulations (Northern Ireland) 2010 (S.R. 2010 No. 298).

(**6**) 2009 c. 1 (N.I.).

(**7**) S.I. 1991/194 (N.I. 1). Health and Social Services Trusts were renamed Health and Social Care Trusts by section 1(3) of 2009 c. 1 (N.I.).

(**8**) *See* regulation 32 of the Additional Statutory Paternity Pay (General) Regulations (Northern Ireland) 2010 and regulation 3 of the Additional Statutory Paternity Pay (Adoptions from Overseas) Regulations (Northern Ireland) 2010.