STATUTORY RULES OF NORTHERN IRELAND

2006 No. 374

EMPLOYMENT

WORK AND FAMILIES

The Statutory Paternity Pay and Statutory Adoption Pay (Amendment) Regulations (Northern Ireland) 2006

Made - - - - 15th September 2006

Coming into operation 1st October 2006

The Department for Employment and Learning makes the following regulations in exercise of the powers conferred by sections 167ZE(10A)(**1**), 167ZJ(8), 167ZN(2)(**2**), (3)(**3**) and (6A)(**4**), 167ZS(8) and 171(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**5**) and section 5(1)(m) of the Social Security Administration (Northern Ireland) Act 1992(**6**).

This Statutory Rule contains only regulations made by virtue of, or consequential upon, the Work and Families (Northern Ireland) Order 2006 and is made before the end of the period of 6 months beginning with the coming into operation of that provision(**7**).

Citation, commencement and interpretation

1. These Regulations may be cited as the Statutory Paternity Pay and Statutory Adoption Pay (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 1st October 2006.

2. In these Regulations—

"the General Regulations" means the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002(**8**);

(**1**) Paragraph (10A) was inserted by paragraph 15(3) of Schedule 1 to the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16)) ("the 2006 Order")
(**2**) Section 167ZN(2) was amended by Article 4 of the 2006 Order
(**3**) Section 167ZN(3) was amended by paragraph 20(2) of Schedule 1 to the 2006 Order
(**4**) Section 167ZN(6A) was inserted by paragraph 20(3) of Schedule 1 to the 2006 Order
(**5**) 1992 (c. 7). Parts XIIZA and XIIZB were inserted by Articles 5 and 6 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)) ("the 2002 Order")
(**6**) 1992 (c. 8). Section 5 was amended by paragraph 2(1) of Schedule 2 to the 2002 Order and paragraph 23 of Schedule 1 to the 2006 Order
(**7**) *See* Section 150(5) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**8**) S.R. 2002 No. 378; relevant amending regulations are the Statutory Paternity Pay and Statutory Adoption Pay (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 132) and the Statutory Paternity Pay and Statutory Adoption Pay (General) (Amendment) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 167).

"the Weekly Rates Regulations" means the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations (Northern Ireland) 2002(**9**).

Application

3. The amendments to the General Regulations and the Weekly Rates Regulations provided for by regulations 4, 5, 6, 8 and 9 apply in relation to an entitlement to—

(1) statutory paternity pay (birth) in respect of children whose expected week of birth begins on or after 1st April 2007;

(2) statutory paternity pay (adoption) and statutory adoption pay in respect of children expected to be placed for adoption, where the placement is expected to occur on or after 1st April 2007.

Amendments to the General Regulations

4. The General Regulations shall be amended as follows.

5. In regulation 21 (adoption pay period), in paragraph (5), for "26" substitute "39".

6. After regulation 27 (cases where there is no liability to pay statutory adoption pay) insert—

"**Working for not more than 10 days during an adoption pay period**

27A. In the case where an employee does any work under a contract of service with his employer on any day for not more than 10 such days during his adoption pay period, whether consecutive or not, statutory adoption pay shall continue to be payable to the employee by the employer."

7. In regulation 40 (normal weekly earnings), in paragraph (4), for "paragraph (2)" substitute "paragraph (3)".

Amendment to the Weekly Rates Regulations

8. The Weekly Rates Regulations shall be amended as follows.

9. For regulation 4 (rounding of fractional amounts) substitute—

"**4.** Where any payment of—

(1) statutory paternity pay is made on the basis of a calculation at—

(a) the weekly rate specified in regulation 2(b); or

(b) the daily rate of one seventh of the weekly rate specified in regulation 2(a) or (b); or

(2) statutory adoption pay is made on the basis of a calculation at—

(a) the weekly rate specified in regulation 3(b); or

(b) the daily rate of one seventh of the weekly rate specified in regulation 3(a) or (b),

and that amount includes a fraction of a penny, the payment shall be rounded up to the next whole number of pence."

(**9**) S.R. 2002 No. 380 was amended by the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 111), the Social Security Benefits Up-rating Order (Northern Ireland) 2005 (S.R. 2005 No. 82) and the Social Security Benefits Up-rating Order (Northern Ireland) 2006 (S.R. 2006 No. 109)