STATUTORY RULES OF NORTHERN IRELAND

2002 No. 381

EMPLOYMENT

Statutory Paternity Pay and Statutory Adoption Pay (Health and Personal Social Services Employees) Regulations (Northern Ireland) 2002

Made - - - -	*6th December 2002*
Coming into operation	*8th December 2002*

The Department for Employment and Learning, in exercise of the powers conferred on it by sections 167ZJ(9) and (10) and 167ZS(9) and (10) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and with the concurrence of the Commissioners of Inland Revenue(**2**), and of every other power enabling it in that behalf, hereby, by this Statutory Rule, which contains only provision made by virtue of Articles 5 and 6 of the Employment (Northern Ireland) Order 2002(**3**) and is made before the end of the period of 6 months beginning with the coming into operation of that statutory provision(**4**), makes the following Regulations–

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Statutory Paternity Pay and Statutory Adoption Pay (Health and Personal Social Services Employees) Regulations (Northern Ireland) 2002 and shall come into operation on 8th December 2002.

(2) In these Regulations–

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

"the 1972 Order" means the Health and Personal Social Services (Northern Ireland) Order 1972(**5**);

"the 1991 Order" means the Health and Personal Social Services (Northern Ireland) Order 1991(**6**);

"Health and Social Services Board" means a body established under Article 16 of the 1972 Order;

(**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)) and section 167ZS was inserted by Article 6 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))
(**2**) *See* sections 167ZJ(13) and 167ZS(13) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)
(**3**) S.I. 2002/2836 (N.I. 2)
(**4**) *See* section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(**5**) S.I. 1972/1265 (N.I. 14)
(**6**) S.I. 1991/194 (N.I. 1)

"statutory adoption pay period" means the period prescribed under section 167ZN(2) of the Act as the period in respect of which statutory adoption pay is payable to a person;

"statutory paternity pay period" means the period determined in accordance with section 167ZE(2) of the Act as the period in respect of which statutory paternity pay is payable to a person.

Treatment of more than one contract of employment as one contract

2. Where, in consequence of the establishment of one or more Health and Social Services trusts under Article 10 of the 1991 Order, a person's contract of employment is treated by a scheme under Article 12 of the 1991 Order as divided so as to constitute two or more contracts, he may elect for all those contracts to be treated as one contract for the purposes of Parts XIIZA and XIIZB of the Act.

Notification of election

3. A person who makes an election under regulation 2 above shall give written notification of that election to each of his employers under the two or more contracts of employment mentioned in that regulation at least 28 days before the beginning of the statutory paternity pay period or adoption 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 above 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 his 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 his employment with each of those employers commenced; and

(c) details of his 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 Parts XIIZA and XIIZB of the Act(**7**).

Treatment of two or more employers as one

5. The employer to be regarded for the purposes of statutory paternity pay or statutory adoption pay as the employer under the one contract where two or more contracts are treated as one in accordance with regulation 2 shall be in the case of a person whose contract of employment is treated by a scheme under Article 12 of the 1991 Order as divided–

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

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

(**7**) *See* regulation 40 of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 378)