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STATUTORY INSTRUMENTS

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**2006 No. 1947**

**The Work and Families (Northern Ireland) Order 2006**

*Additional paternity leave and pay*

**Additional statutory paternity pay: rate and period of pay**

**12.** After section 167ZED of the Contributions and Benefits Act insert—

**“Rate and period of pay: additional statutory paternity pay**

**167ZEE.**—(1) Additional statutory paternity pay shall be payable at such fixed or earnings-related weekly rate as may be prescribed by regulations, which may prescribe different kinds of rate for different cases.

(2) Subject to the following provisions of this section, additional statutory paternity pay shall be payable in respect of a period (“the additional paternity pay period”)—

- (a) beginning with such day as may (subject to subsection (3)) be determined in accordance with regulations, and
- (b) ending with—
  - (i) the day on which the additional statutory pay period is ended by virtue of subsection (4) or (8), or
  - (ii) such earlier day as the employee may choose in accordance with regulations.

(3) The first day of the additional paternity pay period must not be earlier than the day on which the child’s mother or the person with whom the child is placed for adoption (“the mother or adopter”) is treated for the purpose of section 167ZEA or 167ZEB as returning to work; but this subsection does not apply in a case where the mother or adopter has died.

(4) The additional paternity pay period—

- (a) shall not last longer than any prescribed number of weeks,
- (b) shall not continue after the end of the period of 12 months beginning with the relevant date, and
- (c) shall not continue after the end—
  - (i) in a case falling within section 167ZEA, of the mother’s maternity allowance period or maternity pay period, or
  - (ii) in a case falling within section 167ZEB, of the adoption pay period of the person with whom the child is placed for adoption.

(5) In subsection (4)(b), “the relevant date” means—

- (a) in the case of a person to whom the conditions in section 167ZEA(2) apply, the date of the child’s birth (or, where more than one child is born as a result of the same pregnancy, the date of birth of the first child born as a result of the pregnancy), and

(b) in the case of a person to whom the conditions in section 167ZEB(2) apply, the date of the child's placement for adoption (or, where more than one child is placed for adoption as part of the same arrangement, the date of placement of the first child to be placed as part of the arrangement).

(6) Additional statutory paternity pay shall not be payable to a person in respect of a week if it is not his purpose at the beginning of the week to care for the child by reference to whom he satisfies the condition in sub-paragraph (i) of section 167ZEA(2)(a) or 167ZEB(2)(a).

(7) Except in such cases as may be prescribed, additional statutory paternity pay shall not be payable to a person in respect of a week during any part of which he works for any employer.

(8) Where subsection (6) or (7) prevents additional statutory paternity pay being payable to a person in respect of any week, the person's additional paternity pay period shall be taken to have ended at the end of the previous week.

(9) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of additional statutory paternity pay, the amount payable by way of additional statutory paternity pay for that day shall be taken to be one seventh of the weekly rate.

(10) In this section "week" means a period of seven days beginning with the day of the week on which the additional paternity pay period began."