
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 300

**The Additional Statutory Paternity Pay
(General) Regulations (Northern Ireland) 2010**

PART 2

Additional statutory paternity pay (birth)

Application for, and evidence of entitlement to, additional statutory paternity pay (birth)

8.—(1) P shall apply for additional statutory paternity pay (birth) to the person (“E”) who will be liable to pay P such pay by providing to E—

- (a) the information, in writing, specified in paragraph (2);
- (b) a written declaration, signed by P—
 - (i) that that information is correct;
 - (ii) that P intends to care for C during the additional statutory paternity pay period (birth) in respect of C; and
 - (iii) that P meets the conditions in regulation 4(2); and
- (c) a written declaration, signed by M—
 - (i) that she has given notice to her employer that she is returning to work;
 - (ii) that she satisfies the condition in regulation 6(a);
 - (iii) specifying her name, address and National Insurance number;
 - (iv) specifying the start date of her maternity allowance period or maternity pay period in respect of C;
 - (v) specifying the date on which she intends to return to work;
 - (vi) confirming that, in relation to C, P is, to M’s knowledge, the sole applicant for additional statutory paternity pay; and
 - (vii) providing M’s consent as regards the processing by E of the information provided pursuant to sub-paragraphs (i) to (vi).

(2) The information referred to in paragraph (1)(a) is as follows—

- (a) P’s name;
- (b) C’s expected week of birth;
- (c) C’s date of birth;
- (d) the date on which P expects that E’s liability to pay additional statutory paternity pay (birth) will begin; and
- (e) the date on which P expects that E’s liability to pay additional statutory paternity pay (birth) will end.

(3) P shall also provide, if E so requests within 28 days of receiving the information and declarations referred to in paragraph (1)—

- (a) a copy of C's birth certificate; and
- (b) the name and business address of M's employer (or, if M is self-employed, her business address).

(4) The information and declarations referred to in paragraph (1) must be provided to E at least eight weeks before the date specified by P pursuant to paragraph (2)(d).

(5) P must give E what is requested under paragraph (3) within 28 days of E requesting it.

(6) P may, after applying for additional statutory paternity pay (birth) under paragraph (1), withdraw that application, vary the date on which it is expected that E's liability to pay additional statutory paternity pay (birth) will begin, or (before the additional statutory paternity pay period (birth) in respect of C has begun), vary the date on which it is expected that E's liability to pay additional statutory paternity pay will end, by notice in writing to E given—

- (a) if withdrawing an application, at least six weeks before the date specified by P pursuant to paragraph (2)(d), or
- (b) if varying the date on which it is expected that E's liability to pay additional statutory paternity pay (birth) will begin, at least six weeks before the earlier of the date varied or the new date, or
- (c) if varying the date on which it is expected that E's liability to pay additional statutory paternity pay (birth) will end, at least six weeks before the earlier of the date varied or the new date, or
- (d) in a case where it was not reasonably practicable to give notice in accordance with subparagraph (a), (b) or (c), as soon as is reasonably practicable.

(7) When P has applied for additional statutory paternity pay (birth) under paragraph (1), P must give E written notice as soon as reasonably practicable if at any time—

- (a) P no longer satisfies the conditions in regulation 4(2); or
- (b) M no longer intends to take action constituting a return to work within the meaning of regulation 19.

(8) When E has been provided with all of the information and the declarations referred to in paragraph (1) (together with, if applicable, what E has requested under paragraph (3)), E must, within 28 days, confirm the start and end dates of E's liability to pay P additional statutory paternity pay (birth) by notice in writing to P.