

*These notes refer to the Work and Families Act (Northern Ireland)
2015 (c.1) which received Royal Assent on 8th January 2015*

Work and Families Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Shared Rights to Leave and Pay

Section 5: Statutory shared parental pay

Section 167ZU: Entitlement: birth

Subsections (1) and (3) confer power to make regulations to provide that where the respective conditions in *subsections (2) and (4)* are satisfied, the mother of a child (the “claimant mother”) and another person (the “claimant”) are entitled to payments to be known as “statutory shared parental pay”.

Subsection (2) deals with the conditions the claimant mother must meet.

Subsection (2)(a) is that the claimant mother and another person (“P”) must satisfy certain prescribed conditions as to caring or intending to care for the child.

Subsection (2)(b) specifies that P must meet certain prescribed conditions as to employment status, earnings and relationship with the claimant mother or child.

The conditions in *subsection (2)(c) and (2)(d)* require the claimant mother to have met prescribed conditions regarding length of service and earnings. The condition in *subsection (2)(e)* is that, if regulations so provide, the claimant mother continues in employed earner’s employment until such a time as specified.

The condition in *subsection (2)(f)* is that the claimant mother became entitled to receive statutory maternity pay in respect of the child.

Subsection (2)(g) relates to the reduction of the maternity pay period.

The condition in *subsection (2)(h) and (2)(i)* is that the claimant mother has given notice of the total number of weeks for which she would be entitled to claim statutory shared parental pay, the number of weeks she intends to claim the pay and the number of weeks P intends to claim the pay and the periods

during which the claimant mother intends to claim the pay. *Subsection (2)(j)* relates to the timing, form and content of such notices.

P's consent to the amount of statutory shared parental pay the claimant mother intends to claim is the condition in *subsection (2)(k)*.

The condition in *subsection (2)(l)* is that it must be the claimant mother's intention to care for the child during each week in which statutory shared parental pay is paid to her.

The conditions in *subsections (2)(m)* and *(2)(n)* are that the claimant mother must be absent from work for each week that statutory shared parental pay is paid to her. Where she is an employee, she must be absent from work on shared parental leave.

Subsection (4) deals with the conditions that the claimant must meet.

The condition in *subsection (4)(a)* is that the claimant and another person who is the mother of a child satisfy certain prescribed conditions as to caring or intending to care for the child.

Subsection (4)(b) requires that the claimant must satisfy certain conditions as to the relationship with the child or the child's mother.

Subsection (4)(c) provides that the child's mother must meet certain employment status and earnings criteria.

The conditions in *subsection (4)(d)* and *(4)(e)* relate to continuous service and earnings. The condition in *subsection (4)(f)* is that the claimant, if so prescribed, must continue in employed earner's employment until such a time as specified in regulations.

The condition in *subsection (4)(g)* is that the mother of the child must have been entitled as a result of the birth of the child to receive either maternity allowance or statutory maternity pay. The condition in *subsection (4)(h)* relates to the reduction of the maternity pay period or the maternity allowance period applying to the mother.

In accordance with *subsection (4)(i)* and *(4)(j)*, the claimant must have given notice of the number of weeks for which he or she would be entitled to claim statutory shared parental pay, the number of weeks he or she intends to claim the pay and the number of weeks the child's mother intends to claim the pay and the periods during which the claimant intends to claim the pay. *Subsection (4)(k)* relates to the timing, form and content of such notices.

The condition in *subsection 4(l)* is that the mother of the child must consent to the amount of statutory shared parental pay that the claimant intends to claim.

Subsection (4)(m) provides that it must be the claimant's intention to care for the child during each week in which statutory shared parental pay is paid to the claimant.

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The condition in *subsection (4)(n) and (4)(o)* is that the claimant must be absent from work for each week that statutory shared parental pay is paid to the claimant. If the claimant is an employee, the claimant must be absent from work on shared parental leave.