

## SCHEDULES

### SCHEDULE 1

#### Minor and consequential amendments

#### *The Employment Rights (Northern Ireland) Order 1996 (NI 16)*

- 4.—(1) The Employment Rights Order is amended as follows.
- (2) In Article 2 (interpretation: general)—
- (a) for the definition of “ordinary or additional paternity leave” substitute—  
“paternity leave” means leave under Article 112A or 112B,”
  - (b) at the appropriate places insert—  
“shared parental leave” means leave under Article 107E or 107G,”  
““the Contributions and Benefits Act 1992” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992,”
  - (c) in paragraph (b) of the definition of “week”, after “Articles” insert “107F, 107I,”.
- (3) In Article 3 (meaning of “employee” etc.), after paragraph (6) add—  
“(7) This Article has effect subject to Article 107M(3) and (5).”.
- (4) In Article 59 (meaning of wages etc.), in paragraph (1) (sums included)—
- (a) in sub-paragraph (ca), for “ordinary statutory paternity pay or additional statutory paternity pay” substitute “statutory paternity pay”,
  - (b) after sub-paragraph (cb) insert—  
“(cc) statutory shared parental pay under Part 12ZC of that Act,”.
- (5) In Article 70C (right not to be subjected to detriment in connection with leave for family and domestic reasons), in paragraph (2) (reasons that may be prescribed) —
- (a) after sub-paragraph (ba) insert—  
“(bb) shared parental leave,”
  - (b) for sub-paragraph (ca) (ordinary or additional paternity leave) substitute—  
“(ca) paternity leave,”.

(6) In Article 107D (Chapter 1A: supplemental provision on adoption leave), in paragraph (2) (meaning of “prescribed” in Articles 107A and 107B), after “107A” insert “, 107AB, 107BA, 107AC”.

(7) In Article 108 (entitlement to parental leave), after paragraph (5) add—

“(6) In this Article and Article 110(4) and (5), “specified” means specified for the time being in regulations made under this Article.”.

(8) In Article 109 (rights during and after parental leave), after paragraph (4) add—

“(5) In this Article, “prescribed” means prescribed by the regulations made under Article 108.”.

(9) In Article 112A (entitlement to ordinary paternity leave: birth)—

(a) in the title, for “ordinary paternity leave” substitute “paternity leave”,

(b) after paragraph (7), add—

“(8) In this Article and Articles 112B, 112BA, 112BAA, 112C and 112E, “specified” means specified for the time being in regulations made under the Article concerned.”.

(10) In Article 112B (entitlement to additional paternity leave: adoption), in the title, for “ordinary paternity leave” substitute “paternity leave”.

(11) In Article 112C (rights during and after paternity leave: birth or adoption)—

(a) in paragraph (1) (provision as to rights under Article 112A or 112AA), omit the words “or 112AA”,

(b) in paragraph (1), in each of sub-paragraphs (a) and (b), for “the regulations may prescribe” substitute “may be specified”,

(c) in paragraph (1), in sub-paragraph (c), for “prescribed by regulations” substitute “that may be specified”,

(d) in paragraph (2) (absence on leave under Article 112A or 112AA may include a period of other statutory leave)—

(i) omit the words “or 112AA”,

(ii) omit sub-paragraph (za) (leave under Article 112AA),

(iii) omit the word “and” following sub-paragraph (b),

(iv) after that sub-paragraph insert—

“(ba) shared parental leave, and”,

(e) in paragraph (3) (provision as to rights under Article 112B or 112BB), for the words “or 112BB” to the end substitute “or 112BAA as it applies to regulations under Article 112A”,

(f) in paragraph (4) (absence on leave under Article 112B or 112BB may include a period of other statutory leave)—

(i) for “112BB” substitute “112BAA”,

- (ii) omit sub-paragraph (za) (leave under Article 112BB),
- (iii) after sub-paragraph (b) insert—
  - “(ba) shared parental leave,”
- (iv) in sub-paragraph (d) (leave under Article 112A or 112AA), omit the words “or 112AA”,
- (g) in paragraph (6) (provision as to remuneration), for “any of Articles 112A to 112BB” substitute “Article 112A or 112B”,
- (h) in paragraph (7) (provision as to seniority on return etc.), for “any of Articles 112A to 112BB” substitute “Article 112A or 112B”.
- (12) In Article 112D (provision as to redundancy or dismissal), in paragraph (1), for “112A, 112AA, 112B or 112BB” substitute “112A or 112B”.
- (13) In Article 112E (Chapter 3: supplemental provision on paternity leave)—
  - (a) in paragraph (1) (provision that may be made by regulations), for “any of Articles 112A to 112BB”, in each place where it occurs, substitute “Article 112A or 112B”,
  - (b) omit paragraph (2) (persons who may be subjected to duties in connection with employees exercising rights under Article 112AA or 112BB).
- (14) In Article 120 (liability of employer to pay employee during period of notice: employments with normal working hours)—
  - (a) in paragraph (1)(c) (liability to employee who is absent from work because of pregnancy etc.)—
    - (i) after “adoption leave,” insert “shared parental leave,”
    - (ii) for “ordinary or additional paternity leave” substitute “paternity leave”,
  - (b) in paragraph (2) (certain payments during period of notice treated as meeting employer’s liability)—
    - (i) for “ordinary statutory paternity pay, additional statutory paternity pay” substitute “statutory paternity pay”,
    - (ii) after “statutory adoption pay,” insert “shared parental pay, statutory shared parental pay,”.
- (15) In Article 121 (effect of notice of termination: employments without normal working hours)—
  - (a) in paragraph (3)(b) (effect of absence from work because of pregnancy etc. during period of notice)—
    - (i) after “adoption leave,” insert “shared parental leave,”
    - (ii) for “ordinary or additional paternity leave” substitute “paternity leave”,

(b) in paragraph (4) (certain payments during period of notice treated as remuneration)—

(i) for “ordinary statutory paternity pay, additional statutory paternity pay” substitute “statutory paternity pay”,

(ii) after “statutory adoption pay,” insert “shared parental pay, statutory shared parental pay,”.

(16) In Article 131 (dismissal to be regarded as unfair where dismissal relates to leave for family reasons), in paragraph (3) (reasons or sets of circumstances that may be prescribed)—

(a) after sub-paragraph (ba) insert—

“(bb) shared parental leave,”,

(b) for sub-paragraph (ca) (ordinary or additional paternity leave) substitute—

“(ca) paternity leave,”.

(17) In Article 138 (dismissal of employee engaged as replacement for person absent from work because of pregnancy etc.), in paragraph (2)(a), for “or leave under Article 112AA or 112BB (additional paternity leave)” substitute “or shared parental leave”.

(18) In Article 206 (employment not under contract of employment), in paragraph (2)(a) for “the Social Security Contributions and Benefits (Northern Ireland) Act 1992” substitute “the Contributions and Benefits Act 1992”.

(19) In Article 251 (orders and regulations)—

(a) in paragraph (1A) (regulations to which confirmatory procedure applies), for “112A, 112AA, 112B, 112BB, 112G” substitute “112A, 112B, 112BAA, 112G”,

(b) in paragraph (4), for “paragraph (5)” substitute “paragraphs (5) and (5A)”,

(c) in paragraph (5), after sub-paragraph (b) insert—

“(c) an order under Article 85ZS(6) or 107AB(4);”,

(d) after paragraph (5), insert—

“(5A) An order under Article 85ZS(6) or 107AB(4) shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.”.