

## SCHEDULES

### SCHEDULE 1

Section14(1).

#### Minor and consequential amendments

##### *Social Security (Northern Ireland) Order 1989 (NI 13)*

1.—(1) Schedule 5 to the Social Security (Northern Ireland) Order 1989 is amended as follows.

- (2) In paragraph 5A (schemes that contain unfair paternity leave provisions)—
- (a) in sub-paragraph (3) (how scheme affected), in the words following paragraph (b), for “, ordinary statutory paternity pay or additional statutory paternity pay” substitute “ or statutory paternity pay ”,
  - (b) in sub-paragraph (4) (definitions)—
    - (i) in paragraph (a) of the definition of “period of paid paternity leave”, for “(7) or (8)” substitute “ (7), (7A) or (7B) ”,
    - (ii) in paragraph (b) of that definition, for “, ordinary statutory paternity pay or additional statutory paternity pay” substitute “ or statutory paternity pay ”,
  - (c) in sub-paragraph (5)(b), for “the Social Security Contributions and Benefits (Northern Ireland) Act 1992” substitute “ the Contributions and Benefits Act ”,
  - (d) in sub-paragraph (7) (type of paid paternity leave: where adoption does not involve placement for adoption under the law of any part of the United Kingdom), for “section 167ZK” substitute “ section 167ZK(1) ”,
  - (e) after sub-paragraph (7) insert—
    - “(7A) This sub-paragraph applies if—
      - (a) the member's absence from work is due to the placement or expected placement of a child as mentioned in section 167ZBA(1) and (2) of the Contributions and Benefits Act (cases involving the placing of a child under Article 27(2)(a) of the Children (Northern Ireland) Order 1995 with a person who is an approved foster parent and an approved prospective adopter), and
      - (b) in relation to that child, the member satisfies the conditions prescribed under section 167ZB(2)(a)(i) and (ii) of that Act, as

modified by virtue of section 167ZBA(1) to (3) of that Act (in relation to such cases).

(7B) This sub-paragraph applies if—

- (a) the member's absence from work is due to the birth or expected birth of a child, and
- (b) in relation to that child, the member satisfies the conditions prescribed under section 167ZB(2)(a)(i) and (ii) of the Contributions and Benefits Act, as applied by virtue of section 167ZK(2) of that Act (cases involving applicants for parental orders under section 54 of the Human Fertilisation and Embryology Act 2008).

(7C) In this paragraph and paragraphs 5B and 5C, “the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992.”

- (f) omit sub-paragraph (8) (absence from work in circumstances where certain conditions for payment of additional statutory paternity pay are satisfied).

(3) In paragraph 5B (schemes that contain unfair adoption leave provisions)—

- (a) in sub-paragraph (4) (definitions), in paragraph (a) of the definition of “period of paid adoption leave”, for “or (6)” substitute “, (6), (7) or (8)”,
- (b) after sub-paragraph (6) add—

“(7) This sub-paragraph applies if—

- (a) the member's absence from work is due to the placement or expected placement of a child as mentioned in section 167ZLA(1) and (2) of the Contributions and Benefits Act (cases involving the placing of a child under Article 27(2)(a) of the Children (Northern Ireland) Order 1995 with a person who is an approved foster parent and an approved prospective adopter), and
- (b) in relation to that child, the member satisfies the condition in section 167ZL(2)(a) of that Act, as modified by virtue of section 167ZLA(1) to (3) of that Act (in relation to such cases).

(8) This sub-paragraph applies if—

- (a) the member's absence from work is due to the birth or expected birth of a child, and
- (b) in relation to that child, the member satisfies the condition in section 167ZL(2)(a) of the Contributions and Benefits Act, as applied by virtue of section 167ZT(2) of that Act (cases involving applicants for parental orders under section 54 of the Human Fertilisation and Embryology Act 2008).”

(4) After that paragraph insert—

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*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act (Northern Ireland) 2015, SCHEDULE 1. (See end of Document for details)*

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*“Unfair shared parental leave provisions*

**5C.**—(1) Where an employment-related benefit scheme includes any unfair shared parental leave provisions (irrespective of any differences on the basis of sex in the treatment accorded to members under those provisions), then—

- (a) the scheme shall be regarded to that extent as not complying with the principle of equal treatment, and
- (b) subject to sub-paragraph (3), this Schedule shall apply accordingly.

(2) In this paragraph “unfair shared parental leave provisions”, in relation to an employment-related benefit scheme, means any provision—

- (a) which relates to continuing membership of, or the accrual of rights under, the scheme during any period of paid shared parental leave in the case of any member who is (or who, immediately before the commencement of such a period, was) an employed earner and which treats such a member otherwise than in accordance with the normal employment requirement, or
- (b) which requires the amount of any benefit payable under the scheme to or in respect of any such member, to the extent that it falls to be determined by reference to earnings during a period which included a period of paid shared parental leave, to be determined otherwise than in accordance with the normal employment requirement.

(3) In the case of any unfair shared parental leave provision—

- (a) the more favourable treatment required by paragraph 3(1) is treatment no less favourable than would be accorded to the member in accordance with the normal employment requirement, and
- (b) paragraph 3(2) does not authorise the making of any such election as is there mentioned,

but, in respect of any period of paid shared parental leave, a member shall only be required to pay contributions on the amount of contractual remuneration or statutory shared parental pay actually paid to or for the member in respect of that period.

(4) In this paragraph—

“the normal employment requirement” is the requirement that any period of paid shared parental leave shall be treated as if it were a period throughout which the member in question works normally and receives the remuneration likely to be paid for doing so,

“period of paid adoption leave” has the same meaning as in paragraph 5B,

“period of paid paternity leave” has the same meaning as in paragraph 5A,

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“period of paid shared parental leave”, in the case of a member, means a period—

- (a) throughout which the member is absent from work in circumstances where sub-paragraph (5), (7), (8), (9), (10) or (11) applies, and
  - (b) for which the employer (or if the member is no longer in that person's employment, his former employer) pays the member any contractual remuneration or statutory shared parental pay.
- (5) This sub-paragraph applies if—
- (a) the member's absence from work is due to the birth of a child,
  - (b) the member is the mother of the child, and
  - (c) the absence from work is not absence on maternity leave.
- (6) For the purposes of sub-paragraph (5)(c), the absence of the member from work is absence on maternity leave if—
- (a) the absence is in consequence of the prohibition in Article 104(1) of the Employment Rights (Northern Ireland) Order 1996 (compulsory maternity leave),
  - (b) the absence is because the member is exercising the right conferred by Article 103(1) or 105(1) of that Order (ordinary maternity leave or additional maternity leave).
- (7) This sub-paragraph applies if—
- (a) the member's absence from work is due to the birth of a child,
  - (b) the member is a person who satisfies the conditions prescribed under section 167ZU(4)(b)(i) or (ii) of the Contributions and Benefits Act in relation to the child, and
  - (c) the member's absence from work is not absence during a period of paid paternity leave.
- (8) This sub-paragraph applies if—
- (a) the member's absence from work is due to the placement of a child for adoption under the law of any part of the United Kingdom,
  - (b) the member is—
    - (i) a person with whom a child is placed for adoption under the law of any part of the United Kingdom, or
    - (ii) a person who satisfies the conditions prescribed under section 167ZW(4)(b)(i) or (ii) of the Contributions and Benefits Act in relation to the child, and
  - (c) the member's absence from work is not absence during—
    - (i) a period of paid paternity leave, or
    - (ii) a period of paid adoption leave.

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- (9) This sub-paragraph applies if—
- (a) the member's absence from work is due to the placement of a child (as mentioned in section 167ZY(1) and (2) of the Contributions and Benefits Act: cases involving the placing of a child under Article 27(2)(a) of the Children (Northern Ireland) Order 1995 with a person who is an approved foster parent and an approved prospective adopter),
  - (b) the member is—
    - (i) the approved foster parent with whom the child in question is placed as mentioned in section 167ZY(1) and (2) of that Act, or
    - (ii) a person who satisfies the conditions prescribed under section 167ZW(4)(b)(i) or (ii) of that Act, as modified by virtue of section 167ZY(3) of that Act (in relation to such cases), in relation to the child, and
  - (c) the member's absence from work is not absence during—
    - (i) a period of paid paternity leave, or
    - (ii) a period of paid adoption leave.
- (10) This sub-paragraph applies if—
- (a) the member's absence from work is due to the adoption or expected adoption of a child who has entered the United Kingdom in connection with or for the purposes of adoption which does not involve placement of the child for adoption under the law of any part of the United Kingdom,
  - (b) the member is—
    - (i) the person who has adopted or expects to adopt the child in question, or
    - (ii) a person who satisfies the conditions prescribed under section 167ZW(4)(b)(i) or (ii) of the Contributions and Benefits Act, as applied by virtue of section 167ZZ8(1) of that Act (adoption cases not involving placement under the law of the United Kingdom), in relation to the child, and
  - (c) the member's absence from work is not absence during—
    - (i) a period of paid paternity leave, or
    - (ii) a period of paid adoption leave.
- (11) This sub-paragraph applies if—
- (a) the member's absence from work is due to the birth of a child,
  - (b) the member is a person who has applied, or intends to apply, for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 in relation to the child, and

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- (c) the member's absence from work is not absence during—
- (i) a period of paid paternity leave, or
  - (ii) a period of paid adoption leave”

**Annotations:**

**Commencement Information**

- I1** Sch. 1 para. 1(1) in operation at 15.3.2015 by [S.R. 2015/86, art. 3\(2\)\(a\)](#)
- I2** Sch. 1 para. 1(2)(a)(b)(ii)(f) in operation at 5.4.2015 by [S.R. 2015/86, art. 4\(2\)\(a\)](#) (with art. 7(2))
- I3** Sch. 1 para. 1(2)(b)(i) in operation at 15.3.2015 for specified purposes by [S.R. 2015/86, art. 3\(2\)\(a\)](#)
- I4** Sch. 1 para. 1(2)(b)(i)(e) in operation at 5.4.2015 in so far as not already in operation by [S.R. 2015/86, art. 4\(2\)\(a\)](#) (with art. 7(2))
- I5** Sch. 1 para. 1(2)(b)(ii) in operation at 5.4.2015 by [S.R. 2015/86, art. 4\(2\)\(a\)](#) (with art. 7(2))
- I6** Sch. 1 para. 1(2)(c)(d)(3)(a) in operation at 15.3.2015 by [S.R. 2015/86, art. 3\(2\)\(a\)](#)
- I7** Sch. 1 para. 1(2)(e) in operation at 15.3.2015 for specified purposes by [S.R. 2015/86, art. 3\(2\)\(a\)](#)
- I8** Sch. 1 para. 1(3)(b) in operation at 15.3.2015 for specified purposes by [S.R. 2015/86, art. 3\(2\)\(a\)](#)
- I9** Sch. 1 para. 1(3)(b) in operation at 5.4.2015 in so far as not already in operation by [S.R. 2015/86, art. 4\(2\)\(a\)](#) (with art. 7(2))
- I10** Sch. 1 para. 1(4) in operation at 15.3.2015 by [S.R. 2015/86, art. 3\(2\)\(a\)](#)

*Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

2.—(1) The Contributions and Benefits Act is amended as follows.

(2) In section 1 (outline of contributory system), in subsection (5) (money appropriated, as determined by Department of Finance and Personnel, to be applied in relation to statutory pay), for “ordinary statutory paternity pay, additional statutory paternity pay and statutory adoption pay” substitute “statutory paternity pay, statutory adoption pay and statutory shared parental pay”.

(3) In section 4 (payments treated as remuneration and earnings), in subsection (1)(a), for sub-paragraphs (iii) to (v) substitute—

- “(iii) statutory paternity pay; or
- (iv) statutory adoption pay; or
- (v) statutory shared parental pay; and”.

(4) In section 4C (power to make provision in consequence of provision made by virtue of section 4B(2) etc.), in subsection (11), in paragraph (a) of the definition of “statutory payment”, for “ordinary statutory paternity pay, additional statutory

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paternity pay or statutory adoption pay” substitute “ statutory paternity pay, statutory adoption pay or statutory shared parental pay ”.

(5) In section 166 (statutory maternity pay: special classes of person), in subsection (3) (meaning of “continental shelf operations”), for “subsection (6)” substitute “ subsection (8) ”.

(6) For the title of Part 12ZA (Ordinary and Additional Statutory Paternity Pay), substitute “ Statutory Paternity Pay ”.

(7) Omit the italic cross-heading (“Ordinary statutory paternity pay”) preceding section 167ZA.

(8) In section 167ZA (entitlement to ordinary statutory paternity pay: birth)—

(a) in subsection (1), for “ “ordinary statutory paternity pay”” substitute “ “statutory paternity pay” ”,

(b) in subsection (4), for “ordinary statutory paternity pay” substitute “ statutory paternity pay ”.

(9) In section 167ZB (entitlement to ordinary statutory paternity pay: adoption)

(a) in subsection (1), for “ “ordinary statutory paternity pay”” substitute “ “statutory paternity pay” ”,

(b) in each of subsections (4) and (6), for “ordinary statutory paternity pay” substitute “ statutory paternity pay ”.

(10) In section 167ZC (entitlement to ordinary statutory paternity pay: general)

(a) in subsection (1) (as amended by section 12(2)(a)), for “ordinary statutory paternity pay” substitute “ statutory paternity pay ”,

(b) in subsection (2), for “ordinary statutory paternity pay” substitute “ statutory paternity pay ”.

(11) In section 167ZD (liability to pay ordinary statutory paternity pay)—

(a) in subsection (1), for “ordinary statutory paternity pay” substitute “ statutory paternity pay ”,

(b) in subsection (2)—

(i) for “ordinary statutory paternity pay”, where it first occurs, substitute “ statutory paternity pay ”,

(ii) for “liability for ordinary statutory paternity pay or additional statutory paternity pay (or both)” substitute “ liability for statutory paternity pay ”.

(12) In section 167ZE (rate and period of ordinary statutory paternity pay)—

(a) in each of subsections (1), (2) and (4), for “Ordinary statutory paternity pay” substitute “ Statutory paternity pay ”,

- (b) in subsection (5), for “ordinary statutory paternity pay” substitute “statutory paternity pay”;
  - (c) in subsection (7), for “ordinary statutory paternity pay”, in both places it occurs, substitute “statutory paternity pay”;
  - (d) in subsection (8), for “ordinary statutory paternity pay” substitute “statutory paternity pay”;
  - (e) in subsection (10A), for “ordinary statutory paternity pay”, in both places it occurs, substitute “statutory paternity pay”;
  - (f) in subsection (11), in the definition of “statutory pay week”, for “ordinary statutory paternity pay”, in both places it occurs, substitute “statutory paternity pay”.
- (13) Omit the italic cross-heading (“Additional statutory paternity pay”) preceding section 167ZEA.
- (14) Omit the italic cross-heading (“Ordinary and additional statutory paternity pay: supplementary provisions”) preceding section 167ZF.
- (15) In section 167ZF (restrictions on contracting out of Part 12ZA), in subsection (2) (agreements which are not void for contracting out), for “ordinary statutory paternity pay or additional statutory paternity pay” substitute “statutory paternity pay”.
- (16) In section 167ZG (relationship with contractual remuneration), omit subsection (4) (definition of “statutory paternity pay” as including ordinary statutory paternity pay or additional statutory paternity pay).
- (17) In section 167ZJ (provision supplementary to Part 12ZA)—
- (a) in subsection (5) (meaning of “week”), for “sections 167ZE and 167ZEE” substitute “section 167ZE”;
  - (b) in subsection (10)(f) (regulations relating to health and social care contracts treated as a single contract: provision for identifying employer under single contract), for “ordinary statutory paternity pay or additional statutory paternity pay” substitute “statutory paternity pay”.
- (18) In section 170 (interpretation of Act)—
- (a) in the definition of “the Department”, for “and 12ZB” substitute “, 12ZB and 12ZC”;
  - (b) at the appropriate place insert—  
“the Employment Rights Order” means the Employment Rights (Northern Ireland) Order 1996;”.
- (19) In section 172 (Assembly etc. control of regulations and orders)—
- (a) in subsection (2) (regulations and orders to which confirmatory procedure applies), in paragraph (a), omit the words “, sections 167ZEA to 167ZEE”;

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- (b) in subsection (4) (regulations and orders subject to negative resolution, subject to subsections (4A) and (7)), for “and (7)” substitute “, (7) and (7A)”,
- (c) after subsection (7) insert—
- “(7A) An order under section 167ZBA(6) shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.”.

**Annotations:**

**Commencement Information**

- I11** Sch. 1 para. 2(1)(5) in operation at 15.3.2015 by S.R. 2015/86, **art. 3(2)(b)**
- I12** Sch. 1 para. 2(2)-(4) in operation at 15.3.2015 for specified purposes by S.R. 2015/86, **arts. 3(2)(i), 5**
- I13** Sch. 1 para. 2(2)-(4) in operation at 5.4.2015 in so far as not already in operation by S.R. 2015/86, **arts. 4(2)(h), 5** (with art. 7(2))
- I14** Sch. 1 para. 2(6)-(19) in operation at 5.4.2015 by S.R. 2015/86, **art. 4(2)(b)** (with art. 7(2))

*Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

**3.—(1)** The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.

(2) In section 5 (regulations about claims for and payments of benefits), in paragraph (a) of subsection (4A) (application of certain provisions of subsection (1) to statutory pay), for “ordinary statutory paternity pay, additional statutory paternity pay and statutory adoption pay” substitute “statutory paternity pay, statutory adoption pay and statutory shared parental pay”.

(3) In section 116AA (disclosure of contributions, etc. information by HMRC), in subsection (1) (disclosure to Health and Safety Executive for Northern Ireland etc. or in pursuance of reciprocal agreements with other countries), for “ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay” substitute “statutory paternity pay, statutory adoption pay or statutory shared parental pay”.

(4) In section 143 (general financial arrangements), in subsection (1) (payments to be made out of Northern Ireland National Insurance Fund), in paragraph (d) (sums falling to be paid etc. by HMRC under regulations relating to categories of statutory pay), for “ordinary statutory paternity pay or additional statutory paternity pay” substitute “statutory paternity pay or statutory shared parental pay”.

(5) In section 145 (adjustments between Northern Ireland National Insurance Fund and Consolidated Fund of Northern Ireland)—

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- (a) in subsection (1) (payments from Northern Ireland National Insurance Fund into Consolidated Fund of Northern Ireland or by Department into Northern Ireland National Insurance Fund), in paragraph (b) (payments by way of adjustment in consequence of operation of legislation relating to categories of statutory pay) for sub-paragraphs (iii) to (v) substitute—
- “(iii) statutory paternity pay;  
 (iv) statutory adoption pay; and  
 (v) statutory shared parental pay.”,
- (b) in subsection (5) (payments from Northern Ireland National Insurance Fund into Consolidated Fund of Northern Ireland at direction of Treasury), in paragraph (a) (sums in respect of HMRC administrative expenses), for “ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay” substitute “ statutory paternity pay, statutory adoption pay or statutory shared parental pay ”.

**Annotations:**

**Commencement Information**

- I15** Sch. 1 para. 3(1) in operation at 15.3.2015 by S.R. 2015/86, art. 3(2)(c)
- I16** Sch. 1 para. 3(2)-(5) in operation at 15.3.2015 for specified purposes by S.R. 2015/86, arts. 3(2)(i), 5
- I17** Sch. 1 para. 3(2)-(5) in operation at 5.4.2015 in so far as not already in operation by S.R. 2015/86, arts. 4(2)(h), 5 (with art. 7(2))

*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)—

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- (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)—

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- (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.”.

**Annotations:**

**Commencement Information**

- I18** Sch. 1 para. 4(1)(2)(b)(c)(3)(4)(b) (5)(a)(6)-(8)(9)(b)(11)(b)(c)(d)(iii)(iv)(f)(iii)(14)(a)(i)(b)(ii)(15)(a)(i)(b)(ii)(16)(a)(17)(18) (19)(b)-(d) in operation at 15.3.2015 by [S.R. 2015/86, art. 3\(2\)\(d\)](#) (with [art. 6\(1\)](#))
- I19** Sch. 1 para. 4(2)(a)(4)(a)(5)(b)(9)(a)(10)(11)(a)(d)(i) (ii) (e)(f)(i)(ii)(iv)(g)(h) (12)(13)(14)(a)(ii)(b)(i)(15)(a)(ii)(b)(i)(16)(b)(19)(a) in operation at 5.4.2015 by [S.R. 2015/86, art. 4\(2\)\(c\)](#) (with [art. 7\(2\)](#))

*Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)*

**5.—(1)** The Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 is amended as follows.

**(2)** In Article 7 (decisions by officers of Revenue and Customs)—

**(a)** in paragraph (1)—

**(i)** in sub-paragraph (fa), for “ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay” substitute “statutory paternity pay, statutory adoption pay or statutory shared parental pay”;

**(ii)** in sub-paragraph (g), for “to 12ZB” substitute “to 12ZC”;

**(iii)** in sub-paragraph (g), for “ordinary statutory paternity pay, additional statutory paternity pay and statutory adoption pay” substitute “statutory paternity pay, statutory adoption pay and statutory shared parental pay”;

**(iv)** in sub-paragraph (ga), for “ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay” substitute “statutory paternity pay, statutory adoption pay or statutory shared parental pay”;

**(b)** in paragraph (3)(b), for “ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay” substitute “statutory paternity pay, statutory adoption pay or statutory shared parental pay”.

**(3)** In Article 10 (appeals against decisions of officers of Revenue and Customs), in paragraph (2)(a), for “ordinary statutory paternity pay, additional statutory

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paternity pay or statutory adoption pay” substitute “ statutory paternity pay, statutory adoption pay or statutory shared parental pay ”.

(4) In Article 13 (matters arising as respects decisions)—

- (a) in paragraph (1) (regulations as to matters arising pending a decision etc), in sub-paragraph (a)(i), for “ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay” substitute “ statutory paternity pay, statutory adoption pay or statutory shared parental pay ”,
- (b) in paragraph (4) (regulations requiring concurrence of Department for Employment and Learning), for “ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay” substitute “ statutory paternity pay, statutory adoption pay or statutory shared parental pay ”.

**Annotations:**

**Commencement Information**

- I20** Sch. 1 para. 5(1)(2)(a)(ii) in operation at 15.3.2015 by [S.R. 2015/86, art. 3\(2\)\(e\)](#)
- I21** Sch. 1 para. 5(2)-(4) in operation at 5.4.2015 by [S.R. 2015/86, art. 4\(2\)\(d\)](#) (with [art. 7\(2\)](#))
- I22** Sch. 1 para. 5(2)(a)(i)(iii)(iv)(3)(4) in operation at 15.3.2015 for specified purposes by [S.R. 2015/86, arts. 3\(2\)\(i\), 5](#)
- I23** Sch. 1 para. 5(2)(a)(i)(iii)(iv)(3)(4) in operation at 5.4.2015 in so far as not already in operation by [S.R. 2015/86, arts. 4\(2\)\(h\), 5](#) (with [art. 7\(2\)](#))

*Employment (Northern Ireland) Order 2002 (NI 2)*

6.—(1) The Employment (Northern Ireland) Order 2002 is amended as follows.

(2) In Article 8 (funding of employers' liabilities as regards certain statutory pay)

- (a) in paragraph (1) (power to make regulations regarding the funding of statutory pay by Her Majesty's Revenue and Customs), for “ordinary statutory paternity pay, additional statutory paternity pay and statutory adoption pay” substitute “ statutory paternity pay, statutory adoption pay and statutory shared parental pay ”,
- (b) in paragraph (2) (recovery relating to small employers' relief), in each of sub-paragraphs (a) and (b), for “ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay” substitute “ statutory paternity pay, statutory adoption pay or statutory shared parental pay ”,
- (c) in paragraph (3) (payments treated as qualifying for small employers' relief)—
  - (i) for “a payment of ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay” substitute “ a

payment of statutory paternity pay, statutory adoption pay or statutory shared parental pay ”,

(ii) for the words from “treating the period” to the end substitute “treating

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(i) the period for which the payment of statutory paternity pay is made,

(ii) the payee's adoption pay period, or

(iii) the period for which the payment of statutory shared parental pay is made,

as the maternity pay period. ”.

(3) In Article 9 (regulations about payment)—

(a) in paragraph (1) (power to make regulations with respect to payment by employers of certain statutory pay), for “ordinary statutory paternity pay, additional statutory paternity pay and statutory adoption pay” substitute “ statutory paternity pay, statutory adoption pay and statutory shared parental pay ”,

(b) in paragraph (2) (further provision as to regulations), in each of sub-paragraphs (a), (b) and (d), for “ordinary statutory paternity pay, additional statutory paternity pay and statutory adoption pay” substitute “ statutory paternity pay, statutory adoption pay and statutory shared parental pay ”.

(4) In Article 11 (power to require information)—

(a) in paragraph (1) (power to make regulations requiring the production of information or documents), for “ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay” substitute “ statutory paternity pay, statutory adoption pay or statutory shared parental pay ”,

(b) in paragraph (2) (persons who may be specified as liable to produce information or documents), in sub-paragraph (a), for “ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay” substitute “ statutory paternity pay, statutory adoption pay or statutory shared parental pay ”.

(5) In Article 12 (penalties for failure to comply), in paragraph (6) (failures to make statutory payments), for “ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay” substitute “ statutory paternity pay, statutory adoption pay or statutory shared parental pay ”.

(6) In Article 13 (penalties for fraud or negligence)—

(a) in paragraph (1) (incorrect statement or declaration: ordinary statutory paternity pay), in each of sub-paragraphs (a) and (b), for “ordinary statutory paternity pay” substitute “ statutory paternity pay ”,

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- (b) in paragraph (2) (incorrect statement or declaration: statutory adoption pay or additional statutory paternity pay), in each of sub-paragraphs (a) and (b), for “or additional statutory paternity pay” substitute “ or statutory shared parental pay ”,
- (c) in paragraph (3) (incorrect payment: ordinary statutory paternity pay), for “ordinary statutory paternity pay” substitute “ statutory paternity pay ”,
- (d) in paragraph (4) (incorrect payment: statutory adoption pay or additional statutory paternity pay), for “or additional statutory paternity pay” substitute “ or statutory shared parental pay ”,
- (e) in paragraph (5) (fraudulently or negligently providing incorrect information or receiving incorrect payments), for “ordinary statutory paternity pay” substitute “ statutory paternity pay ”.

**Annotations:**

**Commencement Information**

- I24** Sch. 1 para. 6(1)(2)(c)(ii)(6)(b)(d) in operation at 15.3.2015 by [S.R. 2015/86, art. 3\(2\)\(f\)](#) (with [art. 6\(1\)](#))
- I25** Sch. 1 para. 6(2)(a)(b)(c)(i)(3)-(5) in operation at 15.3.2015 for specified purposes by [S.R. 2015/86, arts. 3\(2\)\(i\), 5](#)
- I26** Sch. 1 para. 6(2)(a)(b)(c)(i)(3)-(5) in operation at 5.4.2015 in so far as not already in operation by [S.R. 2015/86, arts. 4\(2\)\(h\), 5](#) (with [art. 7\(2\)](#))
- I27** Sch. 1 para. 6(6)(a)(c)(e) in operation at 5.4.2015 by [S.R. 2015/86, art. 4\(2\)\(e\)](#) (with [art. 7\(2\)](#))

*Welfare Reform Act (Northern Ireland) 2007 (c. 2)*

7. In section 20 of the Welfare Reform Act (Northern Ireland) 2007 (relationship with statutory payments)—

- (a) in subsection (6) (no entitlement to an employment and support allowance during an additional paternity pay period)—
  - (i) for “additional statutory paternity pay” substitute “ statutory shared parental pay ”,
  - (ii) for “a day that falls within the additional paternity pay period” substitute “ a day that falls within a period in respect of which statutory shared parental pay is payable ”,
- (b) in subsection (7) (regulations providing for exceptions to subsection (6)), in paragraph (a), for “additional statutory paternity pay for a period” substitute “ statutory shared parental pay for a period ”,
- (c) in subsection (8) (definitions), omit the definition of “additional paternity pay period”.

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**Changes to legislation:** There are currently no known outstanding effects for the Work and Families Act (Northern Ireland) 2015, SCHEDULE 1. (See end of Document for details)

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**Annotations:****Commencement Information**

**I28** Sch. 1 para. 7(a)(b) in operation at 15.3.2015 by S.R. 2015/86, **art. 3(2)(g)** (with art. 6(1))

**I29** Sch. 1 para. 7(c) in operation at 5.4.2015 by S.R. 2015/86, **art. 4(2)(f)** (with art. 7(2))

*Pensions (No. 2) Act (Northern Ireland) 2008 (c. 1)*

**8.** In section 13 of the Pensions (No2) Act (Northern Ireland) 2008 (qualifying earnings), in subsection (3) (meaning of “earnings”)—

(a) in paragraph (d), for “ordinary statutory paternity pay or additional statutory paternity pay” substitute “ statutory paternity pay ”,

(b) after paragraph (e) insert—

“(ea) statutory shared parental pay under Part 12ZC of that Act;”.

**Annotations:****Commencement Information**

**I30** Sch. 1 para. 8(a) in operation at 5.4.2015 by S.R. 2015/86, **art. 4(2)(g)** (with art. 7(2))

**I31** Sch. 1 para. 8(b) in operation at 15.3.2015 by S.R. 2015/86, **art. 3(2)(h)**

**Changes to legislation:**

There are currently no known outstanding effects for the Work and Families Act (Northern Ireland) 2015, SCHEDULE 1.