

## STATUTORY INSTRUMENTS

# 2002 No. 2836

## The Employment (Northern Ireland) Order 2002

### *Statutory paternity pay and statutory adoption pay*

#### **Penalties: fraud, etc.**

13.—(1) Where a person fraudulently or negligently—

- (a) makes any incorrect statement or declaration in connection with establishing entitlement to [<sup>F1</sup>statutory paternity pay ][<sup>F2</sup>or statutory parental bereavement pay] , or
- (b) provides any incorrect information or document of a kind mentioned in regulations under Article 11(1) so far as relating to [<sup>F3</sup>statutory paternity pay ][<sup>F4</sup>or statutory parental bereavement pay] ,

he shall be liable to a penalty not exceeding £300.

(2) Where a person fraudulently or negligently—

- (a) makes any incorrect statement or declaration in connection with establishing entitlement to statutory adoption pay [<sup>F5</sup>or statutory shared parental pay ] , or
- (b) provides any incorrect information or document of a kind mentioned in regulations under Article 11(1) so far as relating to statutory adoption pay [<sup>F6</sup>or statutory shared parental pay ] ,

he shall be liable to a penalty not exceeding £3,000.

(3) Where an employer fraudulently or negligently makes incorrect payments of [<sup>F7</sup>statutory paternity pay ][<sup>F8</sup>or statutory parental bereavement pay] , he shall be liable to a penalty not exceeding £300.

(4) Where an employer fraudulently or negligently makes incorrect payments of statutory adoption pay [<sup>F9</sup>or statutory shared parental pay] , he shall be liable to a penalty not exceeding £3,000.

(5) Where an employer fraudulently or negligently—

- (a) produces any incorrect document or record, provides any incorrect information or makes any incorrect return, of a kind mentioned in regulations under Article 9, or
- (b) receives incorrect payments in pursuance of regulations under Article 8,

he shall be liable to a penalty not exceeding £3,000 or, if the offence relates only to [<sup>F10</sup>statutory paternity pay][<sup>F11</sup>or statutory parental bereavement pay] , £300.

(6) Schedule 1 (penalties: procedure and appeals) has effect in relation to penalties under this Article.

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| <b>F1</b> | Words in art. 13(1)(a) substituted (5.4.2015) by <a href="#">Work and Families Act (Northern Ireland) 2015 (c. 1)</a> , s. 23(1), <b>Sch. 1 para. 6(6)(a)</b> (with s. 14(2)-(5)); S.R. 2015/86, art. 4(2)(e) (with art. 7(2)) |
| <b>F2</b> | Words in art. 13(1)(a) inserted (23.3.2022) by <a href="#">Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5)</a> , ss. 4, 5(5)(6), <b>Sch. Pt. 1 para. 34</b> ; S.R. 2022/136, arts. 2, 3                |
| <b>F3</b> | Words in art. 13(1)(b) substituted (5.4.2015) by <a href="#">Work and Families Act (Northern Ireland) 2015 (c. 1)</a> , s. 23(1), <b>Sch. 1 para. 6(6)(a)</b> (with s. 14(2)-(5)); S.R. 2015/86, art. 4(2)(e) (with art. 7(2)) |

- F4** Words in art. 13(1)(b) inserted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 34**; S.R. 2022/136, arts. 2, 3
- F5** Words in art. 13(2)(a) substituted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 6(6)(b)** (with s. 14(2)-(5)); S.R. 2015/86, art. 3(2)(f) (with art. 6(1))
- F6** Words in art. 13(2)(b) substituted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 6(6)(b)** (with s. 14(2)-(5)); S.R. 2015/86, art. 3(2)(f) (with art. 6(1))
- F7** Words in art. 13(3) substituted (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 6(6)(c)** (with s. 14(2)-(5)); S.R. 2015/86, art. 4(2)(e) (with art. 7(2))
- F8** Words in art. 13(3) inserted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 34**; S.R. 2022/136, arts. 2, 3
- F9** Words in art. 13(4) substituted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 6(6)(d)** (with s. 14(2)-(5)); S.R. 2015/86, art. 3(2)(f) (with art. 6(1))
- F10** Words in art. 13(5) substituted (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1), s. 23(1), **Sch. 1 para. 6(6)(e)** (with s. 14(2)-(5)); S.R. 2015/86, art. 4(2)(e) (with art. 7(2))
- F11** Words in art. 13(5) inserted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5), ss. 4, 5(5)(6), **Sch. Pt. 1 para. 34**; S.R. 2022/136, arts. 2, 3

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment (Northern Ireland) Order 2002, Section 13.