
STATUTORY INSTRUMENTS

2006 No. 1947

The Work and Families (Northern Ireland) Order 2006

Additional paternity leave and pay

Entitlement to additional statutory paternity pay: general

10. After section 167ZEB of the Contributions and Benefits Act insert—

“Entitlement to additional statutory paternity pay: general

167ZEC.—(1) A person shall not be entitled to payments of additional statutory paternity pay in respect of any period unless—

- (a) he gives the person who will be liable to pay it notice of the date from which he expects the liability to pay him additional statutory paternity pay to begin and the date on which he expects that liability to end; and
- (b) the notice is given by such time as may be prescribed.

(2) The notice shall be in writing if the person who is liable to pay the additional statutory paternity pay so requests.

(3) The Department may by regulations—

- (a) provide that the conditions mentioned in subsection (2)(b) or (c) of section 167ZEA or 167ZEB shall have effect subject to prescribed modifications in such cases as may be prescribed;
- (b) provide that subsection (1) of this section shall not have effect, or shall have effect subject to prescribed modifications, in such cases as may be prescribed;
- (c) impose requirements about evidence of entitlement;
- (d) specify in what circumstances employment is to be treated as continuous for the purposes of section 167ZEA or 167ZEB;
- (e) provide that a person is to be treated for the purposes of section 167ZEA or 167ZEB as being employed for a continuous period of the length prescribed under that section where—
 - (i) he has been employed by the same employer for a period of at least that length under two or more contracts of service, and
 - (ii) those contracts were not continuous;
- (f) provide for amounts earned by a person under separate contracts of service with the same employer to be aggregated for the purposes of section 167ZEA or 167ZEB;
- (g) provide that—
 - (i) the amount of a person’s earnings for any period, or
 - (ii) the amount of his earnings to be treated as comprised in any payment made to him or for his benefit,

shall be calculated or estimated for the purposes of section 167ZEA or 167ZEB in such manner and on such basis as may be prescribed and that for that purpose payments of a particular class or description made or falling to be made to or by a person shall, to such extent as may be prescribed, be disregarded or, as the case may be, be deducted from the amount of his earnings.”.