

SCHEDULES

SCHEDULE 1

LEAVE AND PAY RELATED TO BIRTH OR ADOPTION: FURTHER AMENDMENTS

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

2. In section 1(5) (which provides for payment by way of additional contributions out of money appropriated for that purpose of an annual amount equal to statutory sick pay, statutory maternity pay, statutory paternity pay and statutory adoption pay recovered by employers and others), for “statutory paternity pay” substitute “ordinary statutory paternity pay, additional statutory paternity pay”.

3. In section 4(1) (payments treated as remuneration and earnings), in paragraph (a), for subparagraphs (iii) and (iv) substitute—

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

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

5. In section 35 (state maternity allowance), in subsection (3)(a) (power by regulations to prescribe cases in which a woman is disqualified from receiving a maternity allowance), for subparagraph (i) substitute—

- “(i) during the maternity allowance period, except in prescribed cases, she does any work in employment as an employed or self-employed earner;
- (ia) during the maternity allowance period she fails without good cause to observe any prescribed rules of behaviour; or”.

6.—(1) Section 161 (the maternity pay period) is amended as follows.

(2) For subsections (2) and (3) substitute—

“(2) Subject to subsections (3) and (7), the maternity pay period shall begin with the 11th week before the expected week of confinement.

(3) Cases may be prescribed in which the first day of the period is to be a prescribed day after the beginning of the 11th week before the expected week of confinement, but not later than the day immediately following the day on which she is confined.”.

(3) In subsection (4), at the beginning insert “Except in such cases as may be prescribed,”.

(4) After subsection (7) add—

“(8) In subsections (1), (4) and (6) “week” means a period of 7 days beginning with the day of the week on which the maternity pay period begins.”.

7.—(1) Section 162 (rate of statutory maternity pay) is amended as follows.

(2) After subsection (1) insert—

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“(1A) In subsection (1) “week” means any period of 7 days.”.

(3) After subsection (3) add—

“(4) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of statutory maternity pay, the amount payable by way of statutory maternity pay for any day shall be taken as one seventh of the weekly rate.”.

8.—(1) Section 167 (interpretation of Part XII) is amended as follows.

(2) In subsection (1), omit the definition of “week”.

(3) After that subsection insert—

“(1A) In this Part, except section 161(1), (4) and (6), section 162(1) and paragraph 3(2) of Schedule 13, “week” means a period of 7 days beginning with Sunday or such other period as may be prescribed in relation to any particular case or class of case.”.

9. For the heading to Part XIIZA (statutory paternity pay), substitute “ORDINARY AND ADDITIONAL STATUTORY PATERNITY PAY”.

10. In Part XIIZA, immediately before section 167ZA insert the heading “Ordinary statutory paternity pay”.

11. In section 167ZA (entitlement: birth), in subsections (1) and (4), for “statutory paternity pay” substitute “ordinary statutory paternity pay”.

12. In section 167ZB (entitlement: adoption), in subsections (1), (4) and (6), for “statutory paternity pay” substitute “ordinary statutory paternity pay”.

13. In section 167ZC (entitlement: general), for “statutory paternity pay” (wherever occurring) substitute “ordinary statutory paternity pay”.

14.—(1) Section 167ZD (liability to make payments) is amended as follows.

(2) In subsection (1), after “payments of” insert “ordinary”.

(3) In subsection (2)—

(a) for “statutory paternity pay” (where first occurring) substitute “ordinary statutory paternity pay”, and

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

15.—(1) Section 167ZE (rate and period of statutory paternity pay) is amended as follows.

(2) For “statutory paternity pay” (wherever occurring) substitute “ordinary statutory paternity pay”.

(3) After subsection (10) insert—

“(10A) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of ordinary statutory paternity pay, the amount payable by way of ordinary statutory paternity pay for any day shall be taken as one seventh of the weekly rate.”.

16. Immediately before section 167ZF insert the heading “*Ordinary and additional statutory paternity pay: supplementary provisions*”.

17. In section 167ZF (restrictions on contracting out), in subsection (2), for “statutory paternity pay” substitute “ordinary statutory paternity pay or additional statutory paternity pay”.

18. In section 167ZG (relationship with contractual remuneration), at the end add—

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“(4) In this section “statutory paternity pay” means ordinary statutory paternity pay or additional statutory paternity pay.”.

19.—(1) Section 167ZJ (Part XIIZA: supplementary) is amended as follows.

(2) In subsection (5), for “section 167ZE” substitute “sections 167ZE and 167ZEE”.

(3) In subsection (10)(f), for “statutory paternity pay” substitute “ordinary statutory paternity pay or additional statutory paternity pay”.

20.—(1) Section 167ZN (rate and period of statutory adoption pay) is amended as follows.

(2) At the beginning of subsection (3) insert “Except in such cases as may be prescribed,”.

(3) After subsection (6) insert—

“(6A) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of statutory adoption pay, the amount payable by way of statutory adoption pay for any day shall be taken as one seventh of the weekly rate.”.

21. In section 172 (Assembly control), in subsection (2)(a) (regulations subject to confirmatory procedure), after “section 167ZE(1)” insert “, sections 167ZEA to 167ZEE”.

22. In Schedule 13 (relationship of statutory maternity pay with benefits and other payments etc.), in paragraph 3 (contractual remuneration), after sub-paragraph (2) insert—

“(2A) In sub-paragraph (2) “week” means a period of 7 days beginning with the day of the week on which the maternity pay period begins.”.