
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 378

**Statutory Paternity Pay and Statutory Adoption
Pay (General) Regulations (Northern Ireland) 2002**

PART VI

**STATUTORY PATERNITY PAY AND STATUTORY ADOPTION
PAY: PROVISIONS APPLICABLE TO BOTH STATUTORY
PATERNITY PAY AND STATUTORY ADOPTION PAY**

Normal weekly earnings

40.—(1) For the purposes of Part XIIZA and Part XIIZB of the Act, a person's normal weekly earnings shall be calculated in accordance with the following provisions of this regulation.

(2) In this regulation—

“the appropriate date” means—

- (a) in relation to statutory paternity pay (birth), the first day of the 14th week before the expected week of the child's birth or the first day in the week in which the child is born, whichever is the earlier;
- (b) in relation to statutory paternity pay (adoption) and statutory adoption pay, the first day of the week after the week in which the adopter is notified of being matched with the child for the purposes of adoption;

“normal pay day” means a day on which the terms of a person's contract of service require him to be paid, or the practice in his employment is for him to be paid, if any payment is due to him; and

“day of payment” means a day on which the person was paid.

(3) Subject to paragraph (4), the relevant period for the purposes of section 167ZJ(6) and 167ZS(6) is the period between—

- (a) the last normal pay day to fall before the appropriate date; and
- (b) the last normal pay day to fall at least 8 weeks earlier than the normal pay day mentioned in sub-paragraph (a),

including the normal pay day mentioned in sub-paragraph (a) but excluding that first mentioned in sub-paragraph (b).

(4) In a case where a person has no identifiable normal pay day, paragraph (2) shall have effect as if the words “day of payment” were substituted for the words “normal pay day” in each place where they occur.

(5) In a case where a person has normal pay days at intervals of or approximating to one or more calendar months (including intervals of or approximating to a year) his normal weekly earnings shall be calculated by dividing his earnings in the relevant period by the number of calendar months in

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that period (or, if it is not a whole number, the nearest whole number), multiplying the result by 12 and dividing by 52.

(6) In a case to which paragraph (5) does not apply and the relevant period is not an exact number of weeks, the person's normal weekly earnings shall be calculated by dividing his earnings in the relevant period by the number of days in the relevant period and multiplying the result by 7.

(7) In any case where a person receives a back-dated pay increase which includes a sum in respect of a relevant period, normal weekly earnings shall be calculated as if such a sum was paid in that relevant period even though received after that period.