

EXPLANATORY MEMORANDUM TO

The Work and Families (Northern Ireland) Order 2006 (Commencement No. 2) Order (Northern Ireland) 2010

S.R. 2010 No. 295 (C. 16)

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Employment and Learning (“the Department”) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Articles 1(3) and (4) of the Work and Families (Northern Ireland) Order 2006 (“the 2006 Order”) and is not subject to any form of resolution before the Assembly.

2. Purpose

- 2.1 This Order commences the following provisions of the 2006 Order on 9th September 2010:
 - Articles 5 to 12;
 - Article 13(1), in so far as it relates to the provisions in Schedule 1 referred to in paragraph (c); and
 - Schedule 1, paragraphs 18, 19, 21, 23, 27, 29, 36, 37, 40, 42, 43 and 46 to 48.
- 2.2 This Order commences the following provisions of the 2006 Order on 1st October 2010:
 - Article 13(1), in so far as it relates to the provisions in Schedule 1 referred to in paragraph (d);
 - Article 13(2) and (3);
 - Article 17, in so far as it relates to the provisions in Schedule 2 referred to in paragraph (e);
 - Schedule 1, paragraphs 1 to 4, 9 to 14, 15(2), 16, 17, 24 to 26, 28, 34, 35, 38, 39, 41, 44, 45, 49 and 50;
 - Schedule 2, in so far as it gives effect to the following repeals—
 - Article 7(2)(a) of the Employment (Northern Ireland) Order 2002;
 - paragraphs 1(1), 4(1), 4(6), 4(7) and 4(14) of Schedule 2 to that Order; and
 - paragraph 4(19), in so far as it relates to Articles 112A, 112B and 112G of the Employment Rights (Northern Ireland) Order 1996.

2.3 These provisions enable the Department to introduce legislation governing Additional Paternity Leave and Pay in Northern Ireland.

3. Background

3.1 The Work and Families (Northern Ireland) Order 2006 set in place provisions concerning a new right to Additional Paternity Leave and Pay, a new right intended to provide fathers of newly-born or newly-adopted children with an opportunity to take a portion of pay or leave where their partner (the child's mother or primary adopter) returns to work before exhausting all of their leave or pay entitlement.

3.2 The Commencement Order commences relevant enabling powers, allowing the Department to make regulations concerning the right.

4. Consultation

4.1 Since 2005 the Department has consulted extensively, by way of four separate public consultations, on the proposed introduction of a new UK-wide right to Additional Paternity Leave and Pay (APL&P). The most recent of these consultations, dealing with detailed aspects of the administration of the right, closed in January 2010.

5. Equality Impact

5.1 As its sole purpose is to commence regulation-making powers, the Commencement Order does not have impacts on equality under Section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1 Commencing the relevant regulation-making powers does not have regulatory impacts.

7. Financial Implications

7.1 None.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department considers the Order to be compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 The Order applies to Northern Ireland only. The corresponding Great Britain Statutory Instrument is the Work and Families Act 2006 (Commencement No. 4) Order 2010 (S.I. 2010/495 (C. 35)).

11. Additional Information

11.1 Not applicable.