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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 146**

**The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order (Northern Ireland) 2015**

**Employment and Support Allowance Regulations (Northern Ireland) 2008**

17.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(1) are amended as follows.

(2) In regulation 1 (citation and commencement), paragraph 1(3) is omitted.

(3) In regulation 2 (interpretation), in paragraph (1), in the definition of “paternity leave”—

(a) omit “ordinary”;

(b) omit “or on additional paternity leave by virtue of Article 112AA or 112BB of that Order”;

(c) at the appropriate place there is inserted—

““shared parental leave” means leave under Article 107E or 107G of the Employment Rights (Northern Ireland) Order 1996;”.

(4) In regulation 43 (circumstances when partners of claimants entitled to an income-related allowance are not regarded as engaged in remunerative work), in paragraph (3), after “paternity leave” insert “, shared parental leave”.

(5) Regulation 82 (effect of additional statutory paternity pay on a contributory allowance) is omitted.

(6) After regulation 82 insert—

**“Effect of statutory shared parental pay on a contributory allowance**

**82A.**—(1) This regulation applies where—

(a) a claimant is entitled to statutory shared parental pay and, on the day immediately preceding the first day in the shared parental pay period—

(i) is in a period of limited capability for work; and

(ii) satisfies the conditions for a contributory allowance in accordance with section 1(2)(a) of the Act; and

(b) on any day during the statutory shared parental pay period—

(i) that claimant is in a period of limited capability for work; and

(ii) that day is not a day where that claimant is treated as not having limited capability for work.

(2) Where this regulation applies, notwithstanding section 20(6) of the Act, a claimant who is entitled to statutory shared parental pay is to be entitled to a contributory allowance in respect of any day that falls within the shared parental pay period.

(3) Where by virtue of paragraph (2) a person is entitled to a contributory allowance for any week (including part of a week), the total amount of such benefit payable to that claimant for that week is to be reduced by an amount equivalent to any statutory shared parental pay to which that claimant is entitled in accordance with Part 12ZC of the Contributions and Benefits Act for the same week (or equivalent part of a week where entitlement to a contributory allowance is for part of a week) and only the balance, if any, of the contributory allowance is to be payable to that claimant.

(4) In this regulation “statutory shared parental pay period” means the weeks in respect of which statutory shared parental pay is payable to a person under section 167ZZ2(2) of the Contributions and Benefits Act.”.

(7) In regulation 95 (earnings of employed earners), in paragraph (2(b), after “paternity leave” insert “, shared parental leave”.

(8) In Schedule 6 (housing costs), in paragraph 2(5) after “paternity leave” insert “, shared parental leave”.

(9) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 4 after “paternity leave” insert “, shared parental leave”;

(b) in paragraph 5 after “paternity leave” insert “, shared parental leave”.