

**2015 No. 146**

**EMPLOYMENT**

**WORK AND FAMILIES**

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

*Made* - - - - - *12th March 2015*

*Coming into operation* - *15th March 2015*

The Department for Employment and Learning makes the following Order in exercise of the powers conferred by section 21(1) and (2) of the Work and Families Act (Northern Ireland) 2015(a).

**Citation and commencement**

1.—(1) This Order may be cited as the Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order (Northern Ireland) 2015.

(2) The provisions of this Order specified in article 26 come into operation on 15th March 2015.

(3) The remaining provisions of this Order come into operation on 5th April 2015.

**Social Security (Credits) Regulations (Northern Ireland) 1975**

2. Regulation 9C of the Social Security (Credits) Regulations (Northern Ireland) 1975(b) is amended as follows—

(a) in the title, after “adoption pay period,” insert “shared parental pay period,”;

(b) omit sub-paragraph (2)(aa);

(c) at the end of paragraph (2)(b) for “.” substitute “; or”;

(d) after paragraph (2)(b) insert—

“(c) the shared parental pay period in respect of which statutory shared parental pay is paid to a person.”;

(e) in paragraph (5)—

(i) the words after “In this regulation” become sub-paragraph (a);

(ii) omit “additional paternity pay period” and “additional statutory paternity pay”

(iii) after sub-paragraph (a) (as renumbered) insert—

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(a) 2015 c.1.

(b) S.R. 1975 No. 113; amended by S.R. 2012 No. 109, there are other amending regulations but none is relevant.

“(b) “statutory shared parental pay” means statutory shared parental pay payable in accordance with Part 12ZC of that Act and “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 that Act.”

### **Statutory Sick Pay (General) Regulations (Northern Ireland) 1982**

3. In the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(a), in regulation 17 (meaning of “earnings”), in paragraph (3)—

- (a) at the end of sub-paragraph (j) for “.” substitute “;”;
- (b) at the end insert—

“(k) any sum payable by way of statutory shared parental pay, including any sums payable in accordance with regulations made under section 167ZZ1(3) of the Contributions and Benefits Act.”

### **Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987**

4.—(1) The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(b) are amended as follows.

(2) In regulation 11 (continuous employment), in paragraph (1)(e), after “adoption leave” insert “, shared parental leave”.

(3) In regulation 20 (meaning of “earnings”), in paragraph (4)—

- (a) at the end of sub-paragraph (g) for “.” substitute “;”;
- (b) at the end insert—

“(h) any sum payable by way of statutory shared parental pay, including any sums payable in accordance with regulations made under section 167ZZ1(3) of the Contributions and Benefits Act.”

### **Income Support (General) Regulations (Northern Ireland) 1987**

5.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(c) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

- (a) in the definition of “paternity leave”—
  - (i) omit “ordinary”;
  - (ii) omit “or on additional paternity leave by virtue of Article 112AA or 112BB of that Order”;
- (b) 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;”

(3) In regulation 5 (persons treated as engaged in remunerative work), in paragraph 3A for “or adoption leave” substitute “, adoption leave or shared parental leave”.

(4) In regulation 35 (earnings of employed earners), in paragraph (2)(b) for “or adoption leave” substitute “, adoption leave or shared parental leave”.

(5) In Schedule 1B (prescribed categories of person) in paragraph 14B omit “ordinary” in both places where that word appears.

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

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(a) S.R. 1982 No. 263, amended by S.R. 2002 No. 359, there are other amending regulations but none is relevant.  
(b) S.R. 1987 No. 30; amended by S.R. 2002 No. 359, there are other amending regulations but none is relevant.  
(c) S.R. 1987 No. 459.

- (a) in paragraph 4—
  - (i) omit “ordinary or additional”;
  - (ii) for “or adoption leave” substitute “, adoption leave or shared parental leave”;
- (b) in paragraph 4A—
  - (i) omit “ordinary or additional”;
  - (ii) for “or statutory adoption pay” substitute “, statutory adoption pay or statutory shared parental pay”.

**Child Support (Maintenance Assessment and Special Cases) Regulations (Northern Ireland) 1992**

6. Paragraph 1(1)(gg) of Schedule 1 (calculation of N and M) to the Child Support (Maintenance Assessment and Special Cases) Regulations (Northern Ireland) 1992(a) is amended as follows—

- (a) for “or” substitute “, ”;
- (b) at the end insert “or any statutory shared parental pay under Part 12ZC of that Act”.

**Jobseeker’s Allowance Regulations (Northern Ireland) 1996**

7.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(b) are amended as follows—

(2) In regulation 1 (interpretation), in paragraph (2), 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 to 107G of the Employment Rights (Northern Ireland) Order 1996;”.

(3) In regulation 15 (circumstances in which a person is not to be regarded as available), in paragraph (bc) after “paternity leave” insert “, shared parental leave”.

(4) In regulation 52 (persons treated as engaged in remunerative work), in paragraph (1), after “adoption leave” insert “, shared parental leave”.

(5) In regulation 98 (earnings of employed earners), in paragraph (2)(c), after “adoption leave” insert “, shared parental leave”.

(6) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 4—
  - (i) for “ordinary or additional statutory paternity pay” substitute “statutory paternity pay”;
  - (ii) after “statutory adoption pay by virtue of Part 12ZB of the Benefits Act,” insert “statutory shared parental pay by virtue of Part 12ZC of the Benefits Act,”;
  - (iii) for “or adoption leave” substitute “, adoption leave or shared parental leave”.
- (b) in paragraph 5—
  - (i) for “ordinary or additional statutory paternity pay” substitute “statutory paternity pay”;

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(a) S.R. 1992 No. 341: amended by S.R. 2004 No. 428, there are other amending regulations but none is relevant. S.R. 1992 No. 341 was revoked by S.R. 2001 No. 18 with savings; S.R. 2001 No. 18 was revoked by S.R. 2012 No. 48 with savings.

(b) S.R. 1996 No. 198; amended by S.R. 2002 No. 363, S.R. 2008 No. 112 and S.R. 2012 No. 121; there are other amending regulations but none are relevant.

- (ii) for “or statutory adoption pay” substitute “statutory shared parental pay or statutory adoption pay”.

### **Social Security (Maternity Allowance) (Earnings) Regulations (Northern Ireland) 2000**

**8.** In the Social Security (Maternity Allowance) (Earnings) Regulations (Northern Ireland) 2000(a), in regulation 2 (specified payments for employed earners), in paragraph (1)—

- (a) at the end of sub-paragraph (g) for “.” substitute “,”;
- (b) at the end insert—
  - “(h) any sum payable by way of statutory shared parental pay, including any sums payable in accordance with regulations made under section 167ZZ1(3) of the Contributions and Benefits Act;”.

### **Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001**

**9.** In paragraph 4(1)(dd) of the Schedule (net weekly income) to the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(b)—

- (a) for “or” substitute “,”;
- (b) at the end insert “or any statutory shared parental pay under Part 12ZC of that Act”.

### **State Pension Credit Regulations (Northern Ireland) 2003**

**10.—(1)** The State Pension Credit Regulations (Northern Ireland) 2003(c) are amended as follows.

(2) In regulation 1 (interpretation), in paragraph (2)—

- (a) in the definition of “paternity leave”—
  - (i) omit “ordinary”;
  - (ii) omit “or on additional paternity leave by virtue of Article 112AA or 112BB of that Order”;
- (b) 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;”.

(3) In regulation 15 (income for the purposes of the Act) in paragraph (1)—

- (a) in sub-paragraph (p) omit “ordinary”;
- (b) omit sub-paragraph (pa);
- (c) after sub-paragraph (p) insert—
  - “(pb) statutory shared parental pay payable under Part 12ZC of the Contributions and Benefits Act;”.

(4) In regulation 17A (earnings of an employed earner), in paragraph (2)—

- (a) in sub-paragraph (i) omit “ordinary”;
- (b) omit sub-paragraph (ia);
- (c) after sub-paragraph (i) insert—

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(a) S.R. 2000 No. 104; amended by S.R. 2002 No. 359, there are other amending regulations but none is relevant.  
(b) S.R. 2001 No.18; amended by S.R. 2004 No. 428, there are other amending regulations but none is relevant; S.R. 2001 No. 18 was revoked by S.R. 2012 No. 48 with savings.  
(c) S.R. 2003 No. 28; amended by S.R. 2003 No. 421 and S.R. 2012 No. 121, there are other amending regulations but none is relevant.

“(ib) statutory shared parental pay payable under Part 12ZC of the Contributions and Benefits Act;”.

(5) In Schedule 2 (housing costs), in paragraph 2 (remunerative work), in sub-paragraph (7) after “paternity leave” insert “, shared parental leave”.

### **Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002**

**11.**—(1) Regulation 5 (time off in connection with childbirth and adoption) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(a) is amended as follows.

(2) In sub-paragraph (ea), omit “Articles 112AA or 112BB of the Employment Rights (Northern Ireland) Order 1996,”.

### **Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2002**

**12.**—(1) The Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2002(b) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

- (a) omit the definitions of “additional statutory paternity pay (adoption)” and “additional statutory paternity pay (birth)”;
- (b) in the definition of “ordinary statutory paternity pay (adoption)” omit “ordinary”;
- (c) in the definition of “ordinary statutory paternity pay (birth)” omit “ordinary”.

(3) In regulation 2 (restriction on scope) omit “ordinary and additional”.

(4) In regulation 5 (entitlement where a person has worked in an EEA state)—

- (a) in the heading for “ordinary statutory paternity pay and additional statutory paternity pay” substitute “statutory paternity pay”;
- (b) in paragraph (1)—
  - (i) for “(entitlement to ordinary statutory paternity pay (birth))” substitute “(entitlement to statutory paternity pay (birth))”;
  - (ii) omit “and section 167ZEA of the Act (entitlement to additional statutory paternity pay (birth))”.
- (c) in paragraph (2)—
  - (i) for “(entitlement to ordinary statutory paternity pay (adoption))” substitute “(entitlement to statutory paternity pay (adoption))”;
  - (ii) omit “and section 167ZEB of the Act (entitlement to additional statutory paternity pay (adoption))”.

### **Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Application of Parts XIIZA and XIIZB to Adoptions from Overseas) Regulations (Northern Ireland) 2003**

**13.**—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Application of Parts XIIZA and XIIZB to Adoptions from Overseas) Regulations (Northern Ireland) 2003(c) are amended as follows.

(2) In regulation 2 (application of Part XIIZA of the Act to adoptions from overseas) omit “as it concerns both ordinary statutory paternity pay and additional statutory paternity pay”.

(3) In Schedule 1 (application of Part XIIZA of the Act to adoptions from overseas) —

- (a) in the column headed “Provision” omit—

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(a) S.I. 2002/2005; amended by S.I. 2003/701 and S.I. 2010/2492; there are other amending instruments but none is relevant.

(b) S.R. 2002 No. 382; amended by S.R. 2010 No. 306.

(c) S.R. 2003 No. 221; amended by S.R. 2010 No. 305.

- (i) “Section 167ZEB(2)”;
  - (ii) “Section 167ZEB(5)”;
  - (iii) “Section 167ZEE(3)”;
  - (iv) “Section 167ZEE(4)”;
  - (v) “Section 167ZEE(5)”;
- (b) in the column headed “Modification” omit the modifications to the provisions referred to in sub-paragraph (a).

#### **Armed Forces Pension Scheme Order 2005**

- 14.**—(1) The Armed Forces Pension Scheme Order 2005(a) is amended as follows.
- (2) In Part A (interpretation etc.) of Schedule 1 (Armed Forces Pension Scheme 2005)—
- (a) in paragraph (4) of rule A.1 (interpretation: general) in the definition of “shared parental leave” after “1996” insert “, or Articles 107E or 107G of the Employment Rights (Northern Ireland) Order 1996.”.

#### **Housing Benefit Regulations (Northern Ireland) 2006**

- 15.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006(b) are amended as follows.
- (2) In regulation 2 (interpretation), 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;”.
- (3) In regulation 6 (remunerative work), in paragraph (7), after “paternity leave” insert “, shared parental leave”.
- (4) In regulation 25 (treatment of child care charges)—
- (a) in paragraph (14)(a) after “paternity leave” insert “, shared parental leave”;
  - (b) in paragraph (14)(a)(i) after “paternity leave” insert “, shared parental leave”;
  - (c) in paragraph (14)(a)(iii)—
    - (i) omit “ordinary”;
    - (ii) omit “additional statutory paternity pay by virtue of section 167ZEA or 167ZEB of the Act,”;
    - (iii) after “maternity allowance under section 35 of the Act” insert “, statutory shared parental pay by virtue of section 167ZU or 167ZV of the Act”;
  - (d) in paragraph (14)(b)(ii)—
    - (i) for “ordinary or additional statutory paternity pay or” substitute “statutory paternity pay,”
    - (ii) after “statutory adoption pay” insert “or statutory shared parental pay”;
  - (e) in paragraph (14)(b)(iii)—
    - (i) for “ordinary or additional statutory paternity pay or” substitute “statutory paternity pay,”;
    - (ii) after “statutory adoption pay” insert “ or statutory shared parental pay”.

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(a) S.I. 2005/438; amended by S.I. 2011/1364, there are other amending instruments but none is relevant.

(b) S.R. 2006 No. 405; amended by S.R. 2012 No. 121, there are other amending regulations but none is relevant.

- (5) In regulation 32 (earnings of employed earners), in paragraph (1)—
  - (a) in sub-paragraph (i)—
    - (i) for “ordinary or additional statutory paternity pay or” substitute “statutory paternity pay,”;
    - (ii) after “statutory adoption pay,” insert “statutory shared parental pay”;
  - (b) in sub-paragraph (j) after “adoption leave” insert “or shared parental leave”.
- (6) In regulation 33 (calculation of net earnings of employed earners), in paragraph (3)(d)—
  - (a) for “ordinary or additional statutory paternity pay or” substitute “statutory paternity pay,”;
  - (b) after “statutory adoption pay” insert “or statutory shared parental pay”.

**Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006**

**16.—**(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(a) is amended as follows.

- (2) In regulation 2 (interpretation)—
  - (a) in the definition of “paternity leave”—
    - (i) omit “ordinary”;
    - (ii) omit “or on additional paternity leave by virtue of Article 112AA or 112BB of that Order”;
  - (b) 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;”.
- (3) In regulation 6 (remunerative work), in paragraph (7) for “or adoption leave” substitute “, adoption leave or shared parental leave”.
- (4) In regulation 27 (meaning of “income”), in paragraph (1)(h)—
  - (a) in sub-paragraph (xiv) omit “ordinary”;
  - (b) omit sub-paragraph (xiva);
  - (c) after sub-paragraph (xv) insert—
 

“(xva) statutory shared parental pay payable under Part 12ZC of the Act;”.
- (5) In regulation 29 (treatment of child care charges)—
  - (a) in paragraph (14) for “ or adoption leave” substitute “, adoption leave or shared parental leave”;
  - (b) in paragraph (14)(a) for “or adoption leave” substitute “, adoption leave or shared parental leave”;
  - (c) in paragraph (14)(c)—
    - (i) omit “ordinary”;
    - (ii) omit “additional statutory paternity pay by virtue of section 167ZEA or 167ZEB of the Act,”;
    - (iii) after “section 167ZL of the Act” insert “, statutory shared parental pay by virtue of section 167ZU or 167ZV of the Act”;
  - (d) in paragraph (15)(b)—
    - (i) omit “ordinary or additional”;

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(a) S.R. 2006 No. 406; amended by S.R 2012 No. 121, there are other amending regulations but none is relevant.

- (ii) for “or statutory adoption pay” substitute “, statutory adoption pay or statutory shared parental pay”;
- (e) in paragraph 15(c)—
  - (i) omit “ordinary or additional”;
  - (ii) for “or statutory adoption pay” substitute “, statutory adoption pay or statutory shared parental pay”.
- (6) In regulation 33 (earnings of employed earners), in paragraph (1)—
  - (a) in paragraph (i) omit “ordinary”;
  - (b) omit paragraph (ia);
  - (c) after paragraph (j) insert—
    - “(ja)statutory shared parental pay payable under Part 12ZC of the Act;”.
- (7) In regulation 34 (calculation of net earnings of employed earners), in paragraph (2)(d)—
  - (a) omit “ordinary or additional”;
  - (b) for “or statutory adoption pay” substitute “, statutory adoption pay or statutory shared parental pay”.

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

**17.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(a) 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).**—(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

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(a) S.R. 2008 No. 280 amended by S.R. 2012 No. 121; there are other amending regulations but none is relevant.



(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 Social Security Contributions and Benefits Act 1992.”.

(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”.

#### **Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No. 2) Order 2010**

**18.**—(1) The Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No. 2) Order 2010(a) is amended as follows.

(2) In article 2 (interpretation) in the definition of “shared parental leave” after “1996” insert “, or Articles 107E or 107G of the Employment Rights (Northern Ireland) Order 1996.”.

#### **Teachers’ Superannuation Regulations (Northern Ireland) 1998**

**19.**—(1) The Teachers’ Superannuation Regulations (Northern Ireland) 1998(b) are amended as follows.

(2) In regulation B3 (exclusion from pensionable employment), in paragraph (1)—

(a) in sub-paragraph (b)—

(i) after “on maternity,” insert “shared parental,”;

(ii) after “statutory maternity,” insert “statutory shared parental,”.

(3) In regulation C1 (salary on which contributions are payable)—

(a) in paragraph (1)(a)(ii) after “paternity” insert “, shared parental leave”;

(b) in paragraph (2) after “paternity leave” insert “, shared parental leave”;

(c) in paragraph (6) after “paternity leave” insert “, shared parental leave”; and

(d) in paragraph (11) for “or maternity leave” substitute “, maternity leave or shared parental leave”.

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(a) S.I. 2010/832; amended by S.I. 2011/208

(b) S.R. 1998 No. 333, as amended by S.R. 2001 No. 149, S.R. 2003 No. 147, S.R. 2005 No. 181, S.R. 2005 No. 495, S.R. 2006 No. 163, S.R. 2006 No. 366, S.R. 2007 No. 137, S.R. 2008 No. 50, S.R. 2010 No. 137, S.R. 2012 No. 126, S.R. 2013 No. 54, S.R. 2014 No. 37, S.R. 2014 No. 70 and S.R. 2015 No.69

(4) In regulation D1 (reckonable service generally), in paragraph (3)(b) after “paternity” insert “or shared parental”.

(5) In regulation E4 (entitlement to payment of retirement benefits), in paragraph (4)(b)(i)(bb) after “parental” insert “, shared parental”.

(6) In regulation E8A (total incapacity benefit where application received on or after 6th April 2007), in paragraph (b) after “paternity” insert “, shared parental”.

(7) In regulation E20 (death grants), in paragraph (1)(d) for “or parental leave” substitute “, parental leave or shared parental leave”.

(8) In regulation E25 (amount and duration of short-term family benefits), in paragraph (1)(a) after “paternity” insert “shared parental”.

(9) In regulation E31 (average salary), in paragraph (7)(a) after “paternity” insert “, shared parental”.

(10) In regulation H2 (records and information), in paragraph (1)(g) after “paternity” insert “, shared parental”.

(11) In Schedule 1 (glossary of expressions)—

(a) after the entry for the expression “shareable rights” insert—

“shared parental leave	leave under Article 107E or 107G of the Employment Rights (Northern Ireland) Order 1996 <sup>(a)</sup> .”
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(b) after the entry for the expression “state pensionable age” insert—

“statutory shared parental pay	statutory shared parental pay payable in accordance with Part 12ZC of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.”
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### **Armed Forces (Enhanced Learning Credit Scheme and Further and Higher Education Commitment Scheme) Order 2012**

**20.**—(1) The Armed Forces (Enhanced Learning Credit Scheme and Further and Higher Education Commitment Scheme) Order 2012<sup>(b)</sup> is amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of “shared parental leave” after “1996” insert “, or Articles 107E or 107G of the Employment Rights (Northern Ireland) Order 1996;”.

### **Local Government Pension Scheme Regulations (Northern Ireland) 2014**

**21.**—(1) The Local Government Pension Scheme Regulations (Northern Ireland) 2014<sup>(c)</sup> are amended as follows.

(2) In regulation 17 (Employing authority contributions during absences), in paragraph (4) (b)—

(a) omit “, or additional paternity leave”;

(b) after “additional adoption leave” insert “or shared parental leave”.

(3) In regulation 18 (Additional pension contributions), in paragraph (17)(a)—

(a) omit “, or additional paternity leave”;

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<sup>(a)</sup> As inserted by section 2 (2) of the Work and Families Act (Northern Ireland) 2015 (2015 c.1 (NI)).

<sup>(b)</sup> S.I. 2012/1796.

<sup>(c)</sup> S.R. 2014/188.

- (b) after “additional adoption leave” insert “or shared parental leave”.
- (4) In Schedule 1 (interpretation)—
  - (a) omit the definition of “additional paternity leave”;
  - (b) in the definition of “child-related leave”—
    - (i) omit “(e) additional paternity leave during which the member receives some pensionable pay;”
    - (ii) at the end insert—
      - “(f) shared parental leave during which the member receives some pensionable pay;”.
  - (c) in the definition of “statutory pay” after “paternity” insert “, shared parental”;
  - (d) at the appropriate place there is inserted—
    - ““shared parental leave” means leave under the Shared Parental Leave Regulations (Northern Ireland) 2015(a);”.

**The Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014**

**22.**—(1) The Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014**(b)** are amended as follows.

- (2) In Schedule 1 (interpretation)—
  - (a) delete the definition of “additional paternity leave”;
  - (b) in the definition of “child-related leave” for sub-paragraph (e) substitute—
    - “(e) shared parental leave during which the member receives some pensionable pay;”.
  - (c) after the definition of “shared cost additional voluntary contribution arrangement” insert—
    - ““shared parental leave” means leave under the Shared Parental Leave Regulations (Northern Ireland) 2015(c);”.

**Teachers’ Pension Schemes Regulations (Northern Ireland) 2014**

**23.**—(1) The Teachers’ Pension Schemes Regulations (Northern Ireland) 2014**(d)** are amended as follows.

- (2) In regulation 3 (interpretation)—
  - (a) omit the definition of “additional paternity leave”;
  - (b) in the definition of “non-pensionable family leave”—
    - (i) after “parental leave, ” insert “shared parental leave or”
    - (ii) omit “or additional paternity leave”;
  - (c) in the definition of “statutory pay” for paragraph (b) substitute—
    - “(b) statutory shared parental pay payable in accordance with Part 12ZC of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;”;
  - (d) at the appropriate place there is inserted—
    - ““shared parental leave” has the meaning given in regulation 3(1) of the Shared Parental Leave Regulations (Northern Ireland) 2015;”.

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(a) S.R. 2015 No. 93.  
 (b) S.R. 2014 No. 188.  
 (c) S.R. 2015 No. 93 .  
 (d) S.R. 2014 No. 310.

- (3) In regulation 23 (service not pensionable unless member is entitled to pay), in paragraph (1)(b)—
- (a) after “parental leave,” insert “shared parental leave or”;
  - (b) omit “or additional paternity leave”.
- (4) In regulation 33 (interpretation), in paragraph (b) of the definition of “notional pensionable earnings”—
- (a) after “parental leave,” insert “shared parental leave or”;
  - (b) omit “or additional paternity leave”.
- (5) In regulation 34 (pensionable earnings for teachers in grant aided schools and peripatetic teachers), in paragraph (2)(c)—
- (a) omit “additional paternity leave.”;
  - (b) after “parental leave,” insert “shared parental leave”.
- (6) In regulation 39 (pensionable earnings for the purpose of accruing benefits), in paragraph (a)—
- (a) after “parental leave,” insert “shared parental leave or”;
  - (b) omit “or additional paternity leave”.
- (7) In regulation 143 (annual rate of surviving adult pension: short term), in paragraph (2)(a)—
- (a) omit “additional paternity leave”;
  - (b) for “or adoption leave” substitute “shared parental leave or adoption leave”.
- (8) In regulation 150 (annual rate of child pension: short term), in paragraph (2)(a)—
- (a) omit “additional paternity leave”
  - (b) for “or adoption leave” substitute “shared parental leave or adoption leave”.
- (9) In regulation 184 (pensionable earnings for a pay period), in paragraph (4) after “adoption leave” insert “, shared parental leave”.
- (10) In regulation 189 (entitlement to repayment of balance of contributions), in paragraph (3)—
- (a) omit “additional paternity leave.”;
  - (b) after “parental leave” insert “, shared parental leave”.
- (11) In regulation 219 (employment records), in paragraph (2)(g)—
- (a) omit “additional paternity leave.”;
  - (b) after “parental leave” insert “, shared parental leave”.

#### **Armed Forces Pensions Regulations 2014**

**24.**—(1) The Armed Forces Pensions Regulations 2014(a) are amended as follows.

(2) In regulation 3 (interpretation) in the definition of “shared parental leave” after “1996” insert “, or Articles 107E or 107G of the Employment Rights (Northern Ireland) Order 1996;”.

#### **Transitional provisions**

**25.**—(1) The amendments made by this Order in those Articles which come into operation on 5th April 2015 in accordance with Article 1(3) (amendments relating to references to ordinary and additional paternity leave and to ordinary and additional statutory paternity pay) do not have effect in relation to—

- (a) ordinary statutory paternity pay which is paid;
- (b) additional statutory paternity pay which is paid;

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(a) 2014/2336

- (c) a period in respect of which additional statutory paternity pay is payable which begins, or continues;
- (d) ordinary paternity leave which is taken; or
- (e) additional paternity leave which is taken;

on or after 5th April 2015.

(2) In this Article—

“additional paternity leave” means leave under Article 112AA or 112BB of the Employment Rights (Northern Ireland) Order 1996(a);

“additional statutory paternity pay” means pay under section 167ZEA or 167ZEB of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b);

“ordinary paternity leave” means leave under Articles 112A or 112B of the Employment Rights (Northern Ireland) Order 1996(c);

“ordinary statutory paternity pay” means pay under section 167ZA or 167ZB of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(d).

### **Provisions coming into operation on 15th March 2015**

26. The provisions specified in Article 1(2) are—

- (a) this Article;
- (b) Article 1;
- (c) Article 2;
- (d) Article 3;
- (e) Article 4;
- (f) Article 5(1), (2)(b), (3), (4) and (6)(a) and (b)(ii);
- (g) Article 6;
- (h) Article 7(1), (2)(c), (3), (4), (5) and (6)(a)(ii) and (iii) and (b)(ii);
- (i) Article 8;
- (j) Article 9;
- (k) Article 10(1), (2)(b), (3)(b), (4)(c) and (5);
- (l) Article 11(1), (2)(e) and (4);
- (m) Article 14;
- (n) Article 15(1), (2)(c), (3), (4)(a), (b), (c)(iii), (d)(ii) and (e)(ii), (5)(a)(ii) and (b), (6)(b) and (7);
- (o) Article 16(1), (2)(b), (3), (4)(c), (5)(a), (b), (c)(iii), (d)(ii) and (e)(ii), (6)(c) and (7)(b);
- (p) Article 17(1), (3)(c), (4), (6), (7), (8) and (9);
- (q) Article 18;
- (r) Article 19(1), (2)(a), (3)(a), (b), (c), and (d), (4), (5), (6), (7), (8), (9), (10) and (11) (a) and (b);
- (s) Article 20;
- (t) Article 21(1), (2)(b), (3)(b) and (4)(b)(ii), (c) and (d);
- (u) Article 22(1) and (2)(b) and (c);

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(a) S.I.1996/1919 (N.I. 16) ; Article 112AA and 112BB were inserted by the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16)), Articles. 5 and 6.

(b) 1992 c.7; section 167ZEA and 167ZEB were inserted by the Work and Families (Northern Ireland) Order 2006, Articles 8 and 9..

(c) Articles 112A and 112B were inserted by the Employment (Northern Ireland) Order 2002 (S.I 2002/2836 (N.I. 2) Article 4.

(d) Section 167ZA and 167ZB were inserted by the Employment (Northern Ireland) Order 2002, article 5.

- (v) Article 23(1), (2)(b)(i), (c) and (d), (3)(a), (4)(a), (5)(b), (6)(a), (7)(b), (8)(b), (9), (10)(b) and (11)(b);
- (w) Article 24.

Sealed with the Official Seal of the Department for Employment and Learning on 12th March 2015.



*Dr Stephen Farry*  
Minister for Employment and Learning

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes amendments to secondary legislation in consequence of Part 2 of the Work and Families Act (Northern Ireland) 2015 which makes provision for new entitlements to shared parental leave and statutory shared parental pay in place of additional paternity leave and additional statutory paternity pay.

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