
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 300

**The Additional Statutory Paternity Pay
(General) Regulations (Northern Ireland) 2010**

PART 4

Additional statutory paternity pay: provisions applicable to both additional statutory paternity pay (birth) and additional statutory paternity pay (adoption)

Continuous employment

25.—(1) Subject to the following provisions of this regulation, where in any week a person is, for the whole or part of the week—

- (a) incapable of work in consequence of sickness or injury;
- (b) absent from work on account of a temporary cessation of work;
- (c) absent from work in circumstances such that, by arrangement or custom, that person is regarded as continuing in the employment of their employer for all or any purposes,

and returns to work for their employer after the incapacity for or absence from work, that week shall be treated for the purposes of sections 167ZEA and 167ZEB of the Act as part of a continuous period of employment with that employer, notwithstanding that no contract of service exists with that employer in respect of that week.

(2) Incapacity for work which lasts for more than 26 consecutive weeks shall not count for the purposes of paragraph (1)(a).

(3) Where a person—

- (a) is an employee in employed earner's employment in which the custom is for the employer—
 - (i) to offer work for a fixed period of not more than 26 consecutive weeks;
 - (ii) to offer work for such period on two or more occasions in a year for periods which do not overlap; and
 - (iii) to offer the work available to those persons who had worked for the employer during the last or a recent such period, but
- (b) is absent from work because of incapacity arising from some specific disease or bodily or mental disablement,

then in that case paragraph (1) shall apply as if the words “and returns to work for their employer after the incapacity for or absence from work,” were omitted.