
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 121

**The Social Security (Miscellaneous Amendments)
Regulations (Northern Ireland) 2012**

PART 2

PATERNITY LEAVE AND PATERNITY PAY PAYMENTS

Amendments relating to paternity leave and paternity pay: income support

- 3.**—(1) The Income Support Regulations are amended in accordance with paragraphs (2) to (4).
- (2) In regulation 2(1) (interpretation) for the definition of “paternity leave”**(1)** substitute—
- ““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of Article 112A or 112B of the Employment Rights (Northern Ireland) Order 1996**(2)** or on additional paternity leave by virtue of Article 112AA or 112BB of that Order 1996**(3)**”;
- (3) In paragraph 14B of Schedule 1B**(4)** (prescribed categories of person: paternity leave)—
- (a) in sub-paragraph (1) for “paternity leave” substitute “ordinary paternity leave by virtue of Article 112A or 112B of the Employment Rights (Northern Ireland) Order 1996”; and
- (b) in sub-paragraph (2)(a) for “statutory paternity pay” substitute “ordinary statutory paternity pay”.
- (4) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 4**(5)** for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”; and
- (b) in paragraph 4A**(6)** for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

Amendments relating to paternity leave and paternity pay: jobseeker’s allowance

- 4.**—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996**(7)** are amended in accordance with paragraphs (2) and (3).
- (2) In regulation 1(2) (interpretation) for the definition of “paternity leave”**(8)** substitute—

(1) The definition of “paternity leave” was inserted by regulation 2(2)(b) of [S.R. 2002 No. 363](#)

(2) [S.I. 1996/1919 \(N.I.16\)](#); Articles 112A and 112B were inserted by Article 4 of the Employment (Northern Ireland) Order 2002 ([S.I. 2002 No. 2836 \(N.I. 2\)](#))

(3) Articles 112AA and 112BB were inserted by Articles 5 and 6 respectively of the Work and Families (Northern Ireland) Order 2006 ([S.I. 2006/1947 \(N. I. 16\)](#))

(4) Schedule 1B was inserted by regulation 22 of [S.R. 1996 No. 199](#) and paragraph 14B was inserted by regulation 2(5) of [S.R. 2002 No. 363](#)

(5) Paragraph 4 was amended by regulation 2(6)(a) of [S.R. 2002 No. 363](#)

(6) Paragraph 4A was inserted by regulation 36(a) of [S.R. 1988 No. 146](#) and amended by regulation 2(6)(b) of [S.R. 2002 No. 363](#) and regulation 2(16)(a) of [S.R. 2008 No. 112](#)

(7) [S.R. 1996 No. 198](#); relevant amending Regulation is [S.R. 2002 No. 363](#)

(8) The definition of “paternity leave” was inserted by regulation 3(2)(b) of [S.R. 2002 No. 363](#)

““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of 112A or 112B of the Employment Rights (Northern Ireland) Order 1996 or on additional paternity leave by virtue of section Article 112AA or 112BB of that Order;”.

- (3) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 4(9) for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”; and
 - (b) in paragraph 5(10) for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

Amendments relating to paternity leave and paternity pay: state pension credit

5.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(11) are amended in accordance with paragraphs (2) to (4).

- (2) In regulation 1(2) (interpretation) for the definition of “paternity leave”(12) substitute—
- ““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of Article 112A or 112B of the Employment Rights (Northern Ireland) Order 1996 or on additional paternity leave by virtue of Article 112AA or 112BB of that Order;”.
- (3) In regulation 15(1) (income for the purposes of the Act) for sub-paragraph (p) substitute—
- “(p) ordinary statutory paternity pay payable under Part XIIZA of the Contributions and Benefits Act(13);
- (pa) additional statutory paternity pay payable under Part XIIZA of the Contributions and Benefits Act;”.
- (4) In regulation 17A(2)(14) (earnings of employed earners) for sub-paragraph (i) substitute—
- “(i) ordinary statutory paternity pay payable under Part XIIZA of the Contributions and Benefits Act;
- (ia) additional statutory paternity pay payable under Part XIIZA of the Contributions and Benefits Act;”.

Amendments relating to paternity leave and paternity pay: housing benefit for those not of pensionable age

- 6.—(1) The Housing Benefit Regulations are amended in accordance with paragraphs (2) to (5).
- (2) In regulation 2(1) (interpretation) for the definition of “paternity leave” substitute—
- ““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of Article 112A or 112B of the Employment Rights Order or on additional paternity leave by virtue of Article 112AA or 112BB of that Order;”.
- (3) In regulation 25(14) (treatment of child care charges)—
- (a) in sub-paragraph (a)(iii) for “statutory paternity pay by virtue of section 167ZA or 167ZB of the Act (15)” substitute “ordinary statutory paternity pay by virtue of section 167ZA

(9) Paragraph 4 was amended by regulation 3(5)(a) of S.R. 2002 No. 363

(10) Paragraph 5 was amended by regulation 3(5)(b) of S.R. 2002 No. 363

(11) S.R. 2003 No. 28; relevant amending Regulations are S.I. 2003 No. 2175 and S.R. 2003 No. 421

(12) The definition of “paternity leave” was inserted by regulation 2(2)(b) of S.R. 2003 No. 421

(13) Part XIIZA was inserted by Article 5 of the Employment (Northern Ireland) Order 2002

(14) Regulation 17A was inserted by regulation 5 of S.I. 2003 No. 2175

(15) Sections 167ZA and 167ZB were inserted by Article 5 of the Employment (Northern Ireland) Order 2002

or 167ZB of the Act, additional statutory paternity pay by virtue of section 167ZEA or 167ZEB of the Act⁽¹⁶⁾; and

(b) in sub-paragraph (b)(ii) and (iii) for “statutory paternity pay” in each place substitute “ordinary or additional statutory paternity pay”.

(4) In regulation 32(1)(i) (earnings of employed earners) for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

(5) In regulation 33(3)(d) (calculation of net earnings of employed earners) for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

Amendments relating to paternity leave and paternity pay: housing benefit for those of pensionable age

7.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006⁽¹⁷⁾ are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation) for the definition of “paternity leave” substitute—

““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of Article 112A or 112B of the Employment Rights Order or on additional paternity leave by virtue of Article 112AA or 112BB of that Order;”.

(3) In regulation 27(1)(h) (meaning of income) for head (xiv) substitute—

“(xiv) ordinary statutory paternity pay payable under Part XIIZA of the Act;

(xiva) additional statutory paternity pay payable under Part XIIZA of the Act;”.

(4) In regulation 29 (treatment of child care charges)—

(a) in paragraph (14)(c) for “statutory paternity pay by virtue of 167ZA or 167ZB of the Act” substitute “ordinary statutory paternity pay by virtue of section 167ZA or 167ZB of the Act, additional statutory paternity pay by virtue of section 167ZEA or 167ZEB of the Act”; and

(b) in paragraph (15)(b) and (c) for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

(5) In regulation 33(1) (earnings of employed earners) for sub-paragraph (i) substitute—

“(i) ordinary statutory paternity pay payable under Part XIIZA of the Act;

(ia) additional statutory paternity pay payable under Part XIIZA of the Act;”.

(6) In regulation 34(2)(d) (calculation of net earnings of employed earners) for “statutory paternity pay” substitute “ordinary or additional statutory paternity pay”.

Amendments relating to paternity leave and paternity pay: employment and support allowance

8. In regulation 2(1) of the Employment and Support Allowance Regulations (interpretation) after the definition of “passenger” insert—

““paternity leave” means a period of absence from work on ordinary paternity leave by virtue of Article 112A or 112B of the Employment Rights Order or on additional paternity leave by virtue of Article 112AA or 112BB of that Order;”.

⁽¹⁶⁾ Sections 167ZEA and 167ZEB were inserted by Article 8 of the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16))

⁽¹⁷⁾ S.R. 2006 No. 406

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
