

SCHEDULES

SCHEDULE 1

LEAVE AND PAY RELATED TO BIRTH OR ADOPTION: FURTHER AMENDMENTS

The Employment Rights (Northern Ireland) Order 1996 (NI 16)

- 27.** In Article 2(3) (other definitions), for the definition of “paternity leave” substitute—
““ordinary or additional paternity leave” means leave under any of Articles 112A to 112BB;”.
- 28.** In Article 59(1) (meaning of “wages” etc.), in sub-paragraph (ca), for “statutory paternity pay” substitute “ordinary statutory paternity pay or additional statutory paternity pay”.
- 29.** In Article 70C (leave for family and domestic reasons), in paragraph (2), for sub-paragraph (ca) substitute—
“(ca) ordinary or additional paternity leave, or”.
- 30.** In Article 103 (ordinary maternity leave), for paragraph (3) substitute—
“(3) Regulations under paragraph (2)—
(a) shall secure that, where an employee has a right to leave under this Article, she is entitled to an ordinary maternity leave period of at least 26 weeks;
(b) may allow an employee to choose, subject to prescribed restrictions, the date on which an ordinary maternity leave period starts;
(c) may specify circumstances in which an employee may work for her employer during an ordinary maternity leave period without bringing the period to an end.”.
- 31.** In Article 105 (additional maternity leave), for paragraph (3) substitute—
“(3) Regulations under paragraph (2)—
(a) may allow an employee to choose, subject to prescribed restrictions, the date on which an additional maternity leave period ends;
(b) may specify circumstances in which an employee may work for her employer during an additional maternity leave period without bringing the period to an end.”.
- 32.** In Article 107A (ordinary adoption leave), after paragraph (2) insert—
“(2A) Regulations under paragraph (2) may specify circumstances in which an employee may work for his employer during an ordinary adoption leave period without bringing the period to an end.”.
- 33.** In Article 107B (additional adoption leave), for paragraph (3) substitute—
“(3) Regulations under paragraph (2)—
(a) may allow an employee to choose, subject to prescribed restrictions, the date on which an additional adoption leave period ends;

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(b) may specify circumstances in which an employee may work for his employer during an additional adoption leave period without bringing the period to an end.”.

34. In the heading to Article 112A (entitlement to paternity leave: birth), after “to” insert “ordinary”.

35. In the heading to Article 112B (entitlement to paternity leave: adoption), after “to” insert “ordinary”.

36. In Article 112D (special cases), in paragraph (1) for “112A or 112B” substitute “112A, 112AA, 112B or 112BB”.

37.—(1) Article 112E (Chapter III: supplemental) is amended as follows.

(2) For “Article 112A or 112B” (wherever occurring) substitute “any of Articles 112A to 112BB”.

(3) Renumber the provision as so amended to become paragraph (1) of the Article and at the end add—

“(2) The persons on whom duties may be imposed by regulations under Article 112AA or 112BB include not only employees exercising rights by virtue of that Article and their employers but also—

(a) in the case of Article 112AA, the mother of the child in question and any employer or former employer of hers, and

(b) in the case of Article 112BB, the person by reference to whom the condition in paragraph (1)(c) of that Article is satisfied and any employer or former employer of that person.”.

38.—(1) Article 120 (employments with normal working hours) is amended as follows.

(2) In paragraph (1)(c), for “paternity leave” substitute “ordinary or additional paternity leave”.

(3) In paragraph (2), for “statutory paternity pay” substitute “ordinary statutory paternity pay, additional statutory paternity pay”.

39.—(1) Article 121 (employments without normal working hours) is amended as follows.

(2) In paragraph (3)(b), for “paternity leave” substitute “ordinary or additional paternity leave”.

(3) In paragraph (4), for “statutory paternity pay” substitute “ordinary statutory paternity pay, additional statutory paternity pay”.

40. In Article 131 (leave for family reasons), in paragraph (3), for paragraph (ca) substitute—

“(ca) ordinary or additional paternity leave, or”.

41. In Article 138 (replacements), in paragraph (2)(a) after “adoption leave” insert “or leave under Article 112AA or 112BB (additional paternity leave),”.

42. In Article 251(1A) (orders and regulations – confirmatory procedure) for “112A, 112B, 112G” substitute “, 112A, 112AA, 112B, 112BB, 112G”.