
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 378

**Statutory Paternity Pay and Statutory Adoption
Pay (General) Regulations (Northern Ireland) 2002**

PART VI

**STATUTORY PATERNITY PAY AND STATUTORY ADOPTION
PAY: PROVISIONS APPLICABLE TO BOTH STATUTORY
PATERNITY PAY AND STATUTORY ADOPTION PAY**

Meaning of “earnings”

39.—(1) For the purposes of section 167ZJ(6) (normal weekly earnings for the purposes of Part XIIZA of the Act) and of section 167ZS(6) of the Act (normal weekly earnings for the purposes of Part XIIZB of the Act), the expression “earnings” shall be construed in accordance with the following provisions of this regulation.

(2) The expression “earnings” refers to gross earnings and includes any remuneration or profit derived from a person’s employment except any payment or amount which is—

- (a) excluded from the computation of a person’s earnings under regulation 25 of and Schedule 3 to, and regulation 123 of, the Contributions Regulations (payments to be disregarded) and regulation 27 of those Regulations (payments to directors to be disregarded);
 - (b) a chargeable emolument under section 10A of the Act, except where, in consequence of such a chargeable emolument being excluded from earnings, a person would not be entitled to statutory paternity pay or, as the case may be, statutory adoption pay.
- (3) For the avoidance of doubt, “earnings” includes—
- (a) any sum payable in respect of arrears of pay in pursuance of an order for reinstatement or re-engagement under the Employment Rights (Northern Ireland) Order 1996;
 - (b) any sum payable by way of pay in pursuance of an order made under the Employment Rights (Northern Ireland) Order 1996 for the continuation of a contract of employment;
 - (c) any sum payable by way of remuneration in pursuance of a protective award under Article 217 of the Employment Rights (Northern Ireland) Order 1996(1);
 - (d) any sum payable by way of statutory sick pay, including sums payable in accordance with regulations made under section 147(6) of the Act;
 - (e) any sum payable by way of statutory maternity pay;
 - (f) any sum payable by way of statutory paternity pay;
 - (g) any sum payable by way of statutory adoption pay.

(1) [S.I. 1996/1919 \(N.I. 16\)](#); Article 217 was amended by Regulation 10 of the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations (Northern Ireland) 1999, [S.R. 1999 No. 432](#)

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