

EXPLANATORY MEMORANDUM TO

[The Additional Statutory Paternity Pay (General) (Amendment) Regulations (Northern Ireland) 2011

SR 2011 No. 277

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Employment and Learning to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 167ZEE(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the confirmatory resolution procedure.

2. Purpose

- 2.1. This purpose of this S.R. is to correct a drafting error in the Additional Statutory Paternity Pay (General) Regulations (Northern Ireland) 2010. The error, in regulation 14 of these Regulations, concerns the date of the beginning of the additional statutory paternity pay period available in respect of the adoption of a child and requires substitution of the word 'before' with the word 'after'.

3. Background

- 3.1. The S.R. being amended was one of a set of S.R.s which together introduced Additional Paternity Leave and Pay, a new employment right which gives eligible employees (usually fathers) an entitlement to take up to six months' leave from their employment to care for a child, if the child's mother or (in the case of adoptions) the person availing of statutory adoption leave and pay returns to work without exercising their full entitlement to maternity or adoption leave.

4. Consultation

- 4.1. There has been no consultation specific to this Statutory Rule as this is a straightforward correction to the text of the original piece of legislation. However the Department has previously consulted extensively, by way of four separate public consultations, on the introduction of the right to Additional Paternity Leave and Pay. The most recent of these consultations, dealing with detailed aspects of the administration of the right, closed in January 2010.

5. Equality Impact

- 5.1. Although this S.R.'s sole purpose is to amend a drafting error in an existing S.R. it should be noted that equality impact assessments have been carried out on a number of occasions as the package of Additional Paternity Leave and Pay measures has been developed. It was concluded that there would be no negative differential impact on any of the Section 75 groups. However, it was considered likely that APL&P would have a positive impact from an equality perspective in that it would support

working fathers in their family life and provide both parents with additional choice and flexibility in balancing their responsibilities at work and in the home. In supporting working parents, positive Section 75 impacts would result for individuals of both genders and parents with newborn or newly-adopted dependants.

6. Regulatory Impact

- 6.1. The proposed Statutory Rule will have no regulatory impact. The Regulatory Impact Assessment on the initial introduction of the right to Additional Paternity Leave and Pay, which was carried out on the basis of the corresponding exercise in Great Britain, identified only modest costs across all employers in Northern Ireland, estimated at a maximum of £125,000 in the first year and up to £270,000 per annum from then on.

7. Financial Implications

- 7.1. None.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department is satisfied that this legislation is compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. None.

10. Parity or Replicatory Measure

- 10.1. A similar amendment has been made to the corresponding Regulations in Great Britain. The Northern Ireland amendment will restore parity of provision in respect of a right aspects of which are administered by HM Revenue and Customs on a UK-wide basis.

11. Additional Information

- 11.1. Not applicable.