

2023 No. 157

EMPLOYMENT

PARENTAL BEREAVEMENT

**The Parental Bereavement Leave and Pay (Consequential
Amendments to Subordinate Legislation) (No. 2) Regulations
(Northern Ireland) 2023**

Made - - - - - *28th September 2023*

Coming into operation - *29th September 2023*

Approved by resolution of the Assembly on 19th March 2024

The Department for the Economy^(a) makes the following Regulations in exercise of the powers conferred by sections 167ZZ9, 167ZZ11, 167ZZ12 and 171(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992^(b) and Articles 112EA(1), 112ED(h) and 251(6) of the Employment Rights (Northern Ireland) Order 1996^(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) (No. 2) Regulations (Northern Ireland) 2023 and shall come into operation on 29th September 2023.

(2) The Interpretation Act (Northern Ireland) 1954^(d) shall apply to these Regulations as it applies to an Act of the Assembly (but see regulations 28 to 33); and the Interpretation Act 1978^(e) shall not apply.

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- (a) The Department for Employment and Learning was dissolved by section 1(10) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)). Its functions under the Employment Rights (Northern Ireland) Order, were transferred to the Department for the Economy by the Departments (Transfer of Functions) Order (Northern Ireland) 2016, Article 6(1)(c).
- (b) 1992, c. 7; sections 167ZZ9, 167ZZ11 and 167ZZ12 were inserted by the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5 (N.I.)), section 2.
- (c) S.I. 1996/1919 (N.I. 16); Article 112EA and 112ED were inserted by 2022 c. 5 (N.I.), section 1.
- (d) 1954 c. 33 (N.I.).
- (e) 1978 c. 30.

Social Security (Credits) Regulations (Northern Ireland) 1975

2. Regulation 9C (credits for adoption pay period, shared parental pay period, additional pay period and maternity pay period) of the Social Security (Credits) Regulations (Northern Ireland) 1975(a) is amended as follows—

- (a) in the title, after “shared parental pay period,” insert “parental bereavement pay period,”;
- (b) in paragraph (1)(a) after “paragraph (2)(a)” for “or (aa)” substitute “or (d)”;
- (c) at the end of paragraph (2)(c) for “.” substitute “; or”;
- (d) after paragraph (2)(c) insert—

“(d) the parental bereavement pay period in respect of which statutory parental bereavement pay is paid to a person.”;
- (e) at the end of paragraph (5)(b) for “.” substitute “; and”; and
- (f) after paragraph (5)(b) insert—

“(c) “statutory parental bereavement pay” means statutory parental bereavement pay payable in accordance with Part 12ZD of that Act and “parental bereavement pay period” means the weeks in respect of which statutory parental bereavement pay is payable to a person under section 167ZZ12(2) of that Act.”.

Statutory Sick Pay (General) Regulations (Northern Ireland) 1982

3. In the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(b), in regulation 17 (meaning of “earnings”) in paragraph (3)—

- (a) at the end of sub-paragraph (k) for “.” substitute “;”; and
- (b) after sub-paragraph (k) insert—

“(l) any sum payable by way of statutory parental bereavement pay, including any sums payable in accordance with regulations made under section 167ZZ11(3) of the Contributions and Benefits Act.”.

Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987

4.—(1) The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(c) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 11 (continuous employment), in paragraph (1)(e), after “shared parental leave” insert “, parental bereavement leave”.

- (3) In regulation 20 (meaning of “earnings”), in paragraph (4)—
 - (a) at the end of sub-paragraph (h) for “.” substitute “;”; and
 - (b) after sub-paragraph (h) insert—

“(i) any sum payable by way of statutory parental bereavement pay, including any sums payable in accordance with regulations made under section 167ZZ11(3) of the Contributions and Benefits Act.”.

(a) S.R. 1975 No. 113; relevant amending Regulations are S.R. 1988 No. 105, S.R. 2003 No. 151, S.R. 2012 No. 109, S.R. 2015 No. 146 and S.R. 2023 No. 56.

(b) S.R. 1982 No. 263; relevant amending Regulations are S.R. 2002 No. 359, S.I. 2007/1154, S.R. 2015 No. 146 and S.R. 2023 No. 56.

(c) S.R. 1987 No. 30; relevant amending Regulations are S.R. 2002 No. 359, S.I. 2007/1154, S.R. 2015 No. 146 and S.R. 2023 No. 56.

Income Support (General) Regulations (Northern Ireland) 1987

5.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(a) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation), in paragraph (1), in the appropriate place insert—

““parental bereavement leave” means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;”.

(3) In regulation 5 (persons treated as engaged in remunerative work), in paragraph (3A) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(4) In regulation 35 (earnings of employed earners), in paragraph (2)(b) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(5) In Schedule 1B (prescribed categories of person) after paragraph 14B insert—

“Parental Bereavement Leave

14C.—(1) A person who is entitled to, and is taking, parental bereavement leave by virtue of Article 112EA of the Employment Rights (Northern Ireland) Order 1996 and who satisfies either or both of the conditions set out in sub-paragraph (2).

(2) The conditions for the purposes of sub-paragraph (1) are that the person—

- (a) is not entitled to statutory parental bereavement pay by virtue of Part 12ZD of the Contributions and Benefits Act, or to any remuneration from their employer in respect of that leave for the period to which their claim for income support relates;
- (b) is entitled to working tax credit, child tax credit payable at a rate higher than the family element or housing benefit on the day before that leave begins.

(3) In this paragraph “remuneration” means payment of any kind and “family element” means in a case where any child in respect of whom child tax credit is payable is under the age of one year, the amount specified in regulation 7(3)(a) of the Child Tax Credit Regulations 2002 or in any other case, the amount specified in regulation 7(3)(b) of those Regulations but subject in any case to calculations of those amounts made in accordance with the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002.”.

(6) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) in paragraph 4—

- (a) after “statutory adoption pay under Part XIIIZB of that Act” insert “, statutory parental bereavement pay under Part 12ZD of that Act”; and
- (b) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995

6.—(1) The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(b) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation), in the appropriate place insert—

““Parental bereavement leave” means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;”.

(3) In regulation 65 (absence because of illness or injury or certain types of leave)—

- (a) in paragraph (1) for “or parental leave” substitute “, parental leave or parental bereavement leave”; and

(a) S.R. 1987 No. 459; relevant amending Regulations are S.R. 2015 No. 146 and S.R. 2023 No. 56.

(b) S.R. 1995 No. 95; relevant amending Regulations is S.R. 2023 No. 56.

- (b) in paragraph (4)(b) for “or parental leave” substitute “, parental leave or parental bereavement leave”.

Jobseeker’s Allowance Regulations (Northern Ireland) 1996

7.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(a) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 1 (citation, commencement, interpretation and application), in paragraph (2) in the appropriate place insert—

““parental bereavement leave” means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;”.

(3) In regulation 15 (circumstances in which a person is not to be regarded as available), for paragraph (1)(bc) substitute—

“(bc) if that person is on ordinary or additional adoption leave, shared parental leave, paternity leave or parental bereavement leave by virtue of Article 107A, 107B or 112EA of the Employment Rights (Northern Ireland) Order 1996;”.

(4) In regulation 52 (persons treated as engaged in remunerative work), in paragraph (1), after “shared parental leave” insert “, parental bereavement leave”.

(5) In regulation 98 (earnings of employed earners), in paragraph (2)(c), after “shared parental leave” insert “, parental bereavement leave”.

(6) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) in paragraph 4—

(a) after “statutory shared parental pay by virtue of Part 12ZC of the Benefits Act,” insert “statutory parental bereavement pay by virtue of Part 12ZD of the Benefits Act;”;

(b) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

Social Security (Maternity Allowance) (Earnings) Regulations (Northern Ireland) 2000

8.—(1) The Social Security (Maternity Allowance) (Earnings) Regulations (Northern Ireland) 2000(b) are amended in accordance with paragraph (2).

(2) In regulation 2 (specified payments for employed earners), after paragraph (1)(h) insert—

“(i) any sum payable by way of statutory parental bereavement pay, including any sums payable in accordance with Regulations made under section 167ZZ11(3) of the Contributions and Benefits Act.”.

State Pension Credit Regulations (Northern Ireland) 2003

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

(2) In regulation 1 (interpretation), in paragraph (2), in the appropriate place insert—

““parental bereavement leave” means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;”.

(3) In regulation 15 (income for the purposes of the Act), after paragraph (1)(pb) insert—

“(pc) statutory parental bereavement pay payable under Part 12ZD of the Contributions and Benefits Act;”.

(a) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2002 No. 363, S.R. 2008 No. 112, S.R. 2014 No. 105, S.R. 2014 No. 226, S.R. 2015 No. 146 and S.R. 2023 No. 56.

(b) S.R. 2000 No. 104; relevant amending Regulations are S.R. 2002 No. 359, S.I. 2007/1154, S.R. 2015 No. 146 and S.R. 2023 No. 56.

(c) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2003 No. 41, S.R. 2012 No. 121, S.R. 2015 No. 146 and S.R. 2023 No. 56.

(4) In regulation 17A (earnings of employed earners), after paragraph (2)(ib) insert—
“(ic)statutory parental bereavement pay payable under Part 12ZD of the Contributions and Benefits Act;”.

(5) In Schedule 2 (housing costs), in paragraph 2(7) after “shared parental leave” insert “, parental bereavement leave”.

Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002

10. In the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(a), in regulation 5 (time off in connection with childbirth and adoption)—

- (a) in paragraph (1)(k), after “under section 80EA of the Employment Rights Act 1996” insert “or Article 112EA of the Employment Rights (Northern Ireland) Order 1996”; and
- (b) in paragraph (3C) after “Part 2 of the Statutory Parental Bereavement Pay (General) Regulations 2020” insert “or Part 2 of the Statutory Parental Bereavement Pay (General) (No. 2) Regulations (Northern Ireland) 2023”.

Housing Benefit Regulations (Northern Ireland) 2006

11.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(b) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (interpretation), in paragraph (1) in the appropriate place insert—

““parental bereavement leave” means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;”.

(3) In regulation 6 (remunerative work), in paragraph (7), after “shared parental leave” insert “, parental bereavement leave”.

(4) In regulation 25 (treatment of child care charges)—

- (a) in paragraph (14)(a) after “shared parental leave” insert “, parental bereavement leave”;
- (b) in paragraph (14)(a)(i) after “shared parental leave” insert “, parental bereavement leave”;
- (c) in paragraph (14)(a)(iii) after “statutory shared parental pay by virtue of section 167ZU or 167ZV of the Act” insert “, statutory parental bereavement pay by virtue of section 167ZZ9 of the Act”;
- (d) in paragraph (14)(b) after “paternity leave” insert “, parental bereavement leave”;
- (e) in paragraph (14)(b)(ii) for “or statutory shared parental pay” substitute “, statutory shared parental pay or statutory parental bereavement pay”; and
- (f) in paragraph (14)(b)(iii) for “or statutory shared parental pay” substitute “, statutory shared parental pay or statutory parental bereavement pay”.

(5) In regulation 32 (earnings of employed earners), in paragraph (1)—

- (a) in sub-paragraph (i) after “statutory shared parental pay” insert “, statutory parental bereavement”; and
- (b) in sub-paragraph (k) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(6) In regulation 33 (calculation of net earnings of employed earners), in paragraph (3)(d) for “or statutory shared parental pay” substitute “, statutory shared parental pay or statutory parental bereavement pay”.

(7) In regulation 73E (exception to the benefit cap: current or recent work), in paragraph (4) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(a) S.I. 2002/2005; relevant amending Regulations are S.I. 2002/2019, S.I. 2012/757, S.I. 2014/3255, S.R. 2015 No. 146, S.I. 2020/354 and S.R. 2023 No. 56.

(b) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2012 No. 121, S.R. 2015 No.146 and S.R. 2023 No. 56.

Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006

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

(2) In regulation 2(1) (interpretation), in the appropriate place insert—

““parental bereavement leave” means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;”.

(3) In regulation 6 (remunerative work), in paragraph (7) for “or shared parental leave” substitute “, shared parental leave, parental bereavement leave”.

(4) In regulation 27 (meaning of “income”), after paragraph (1)(h)(xva) insert—

“(xvaa) statutory parental bereavement pay payable under Part 12ZD of the Act;”.

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

(a) in paragraph (14) for “or shared parental leave” substitute “, shared parent leave or parental bereavement leave”;

(b) in paragraph (14)(a) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”;

(c) in paragraph (14)(c) after “, statutory shared parental pay by virtue of section 167ZU or 167ZV of the Act” insert “, statutory parental bereavement pay by virtue of section 167ZZ9 of the Act”;

(d) in paragraph (15) after “paternity leave” insert “, parental bereavement leave”;

(e) in paragraph (15)(b) for “or statutory shared parental pay” substitute “, statutory shared parental pay or statutory parental bereavement pay”; and

(f) in paragraph (15)(c) for “or statutory shared parental pay” substitute “, statutory shared parental pay or statutory parental bereavement pay”.

(6) In regulation 33 (earnings of employed earners), in paragraph (1), after sub-paragraph (ja) insert—

“(jb)statutory parental bereavement pay payable under Part 12ZD of the Act;”.

(7) In regulation 34 (calculation of net earnings of employed earners), in paragraph 2(d) for “or statutory shared parental pay” substitute “, statutory shared parental pay or statutory parental bereavement pay”.

Firefighters’ Pension Scheme Order (Northern Ireland) 2007

13.—(1) The Annex to the Firefighters’ Pension Scheme Order (Northern Ireland) 2007(b) is amended in accordance with paragraph (2).

(2) In the Scheme—

(a) in Part F (pensionable service and transfer values)—

(i) in Article 46 (current service), paragraph (3), after “paternity” insert “, parental bereavement”;

(ii) in the title of Article 47 (Maternity, paternity and adoption leave) after “paternity” insert “, parental bereavement”; and

(iii) in Article 47 (maternity, paternity and adoption leave) after paragraph (2)(a) insert—
“(aa) parental bereavement leave;”.

(b) in Part G (pensionable pay and contributions), in Article 56 (pensionable pay and average pensionable pay)—

(a) S.R. 2006 No. 406; relevant amending Regulations are S.R. 2012 No. 121, S.R. 2015 No. 146 and S.R. 2023 No. 56.

(b) S.R. 2007 No. 144; relevant amending Regulation is S.R. 2023 No. 56.

- (i) in paragraph (3) after “paternity” in both places it occurs insert “, parental bereavement”; and
- (ii) after paragraph (7)(c) insert—
“(ca) parental bereavement leave;”.
- (c) in Part 1 (glossary of expressions) of Schedule 1 (interpretation) in the appropriate place insert—

““Parental bereavement leave”	leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996.”.
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New Firefighters’ Pension Scheme Order (Northern Ireland) 2007

14.—(1) The Annex to the New Firefighters’ Pension Scheme Order (Northern Ireland) 2007(a) is amended in accordance with paragraphs (2) to (4).

(2) In Part 1 (citation and interpretation) in Article 2(1) (interpretation), in the appropriate place insert—

““parental bereavement leave” means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;”

(3) In Part 10 (qualifying service and pensionable service)—

- (a) in Article 55 (qualifying service), in paragraph(1)(g) after “paternity” insert “, parental bereavement”;
- (b) in Article 56 (reckoning of pensionable service), in paragraph (1)(c) after “paternity” insert “, parental bereavement”;
- (c) in Article 56A (reckoning of special pensionable service), in paragraph (1)(c) after “paternity” insert “, parental bereavement”; and
- (d) in Article 59 (reckoning of maternity, paternity and adoption leave, etc)—
 - (i) in the heading after “paternity” insert “, parental bereavement”; and
 - (ii) after paragraph (2)(a) insert—
“(aa) parental bereavement leave;”;

(4) In Part 11 (pensionable pay, pension contributions and purchase of additional service)—

- (a) in Article 62 (final pensionable pay), in paragraph (5)(c) after “ordinary adoption leave” insert “, parental bereavement leave”; and
- (b) in Article 63 (pension contributions), in paragraph (3) after “paternity” in both places it occurs, insert “, parental bereavement”.

Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008

15.—(1) The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008(b) are amended in accordance with paragraphs (2) to (12).

(2) In regulation 6 (interpretation: general) in the appropriate place insert—

““parental bereavement leave” means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;”.

(3) In regulation 9 (pensionable service: breaks in service)—

- (a) in paragraph (1)—
 - (i) at the end of sub-paragraph (d) omit “or”;

(a) S.R. 2007 No. 215; relevant amending Regulations are S.R. 2015 No.9 and S.R. 2023 No. 56.
 (b) S.R. 2008 No. 256; relevant amending Regulations are S.R. 2010 No. 22 and S.R. 2023 No. 56.

- (ii) at the end of sub-paragraph (e) for “.” substitute “, or”; and
 - (iii) after sub-paragraph (e) insert—
 - “(f) parental bereavement leave.”;
- (b) in paragraph (7)—
 - (i) at the end of sub-paragraph (d) omit “or”;
 - (ii) at the end of sub-paragraph (e) insert “or”; and
 - (iii) after sub-paragraph (e) insert—
 - “(f) parental bereavement leave.”.
- (4) In regulation 14 (pensionable pay: breaks in service), in paragraph (1)—
 - (a) at the end of sub-paragraph (d) omit “or”;
 - (b) at the end of sub-paragraph (e) insert “or”; and
 - (c) after sub-paragraph (e) insert—
 - “(f) parental bereavement leave.”.
- (5) In regulation 35 (effect of member being absent or leaving and rejoining this Section of the Scheme during the contribution option period), in paragraph (1)—
 - (a) at the end of sub-paragraph (e) omit “or”;
 - (b) at the end of sub-paragraph (f) for “.” substitute “, or”; and
 - (c) after sub-paragraph (f) insert—
 - “(g) parental bereavement leave.”.
- (6) In regulation 89 (death during period of absence), after paragraph (1)(c) insert—
 - “(ca) parental bereavement leave.”.
- (7) In regulation 137 (interpretation of Part 3: general), in paragraph (1) in the appropriate place insert—
 - ““parental bereavement leave” means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;”.
- (8) In regulation 140 (pensionable service: breaks in service)—
 - (a) in paragraph (1)—
 - (i) at the end of sub-paragraph (d) omit “or”;
 - (ii) at the end of sub-paragraph (e) for “.” substitute “, or”; and
 - (iii) after sub-paragraph (e) insert—
 - “(f) parental bereavement leave.”.
 - (b) in paragraph (7)—
 - (i) at the end of sub-paragraph (d) omit “or”;
 - (ii) at the end of sub-paragraph (e) insert “or”; and
 - (iii) after sub-paragraph (e) insert—
 - “(f) parental bereavement leave.”.
- (9) In regulation 143 (meaning of “pensionable earnings”)—
 - (a) in paragraph (4)(b), after “parental leave” insert “, parental bereavement leave”;
 - (b) in paragraph (5)(b), after “parental leave” insert “, parental bereavement leave”.
- (10) In regulation 144 (pensionable earnings — breaks in service), in paragraph (1)—
 - (a) at the end of sub-paragraph (d) omit “or”;
 - (b) at the end of sub-paragraph (e) for “.” substitute “, or”; and
 - (c) after sub-paragraph (e) insert—
 - “(f) parental bereavement leave.”.

(11) In regulation 166 (effect of member being absent or leaving and rejoining this Section of the Scheme during the contribution option period), in paragraph (1)—

(a) at the end of sub-paragraph (e) omit “or”; and

(b) after sub-paragraph (e) insert—

“(ea) parental bereavement leave, or”.

(12) In regulation 216 (death during period of absence), after paragraph (1)(c) insert—

“(ca) parental bereavement leave.”.

Employment and Support Allowance Regulations (Northern Ireland) 2008

16.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(a) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation), in paragraph 1, in the appropriate place insert—

““parental bereavement leave” means leave under Article 112EA of the Employment Rights Order;”.

(3) In regulation 43 (circumstances under which partners of claimants entitled to an income-related allowance are not to be treated as engaged in remunerative work), in paragraph (3), after “shared parental leave” insert “, parental bereavement leave”.

(4) In regulation 95 (earnings of employed earners), in paragraph (2)(b), after “shared parental leave” insert “, parental bereavement leave”.

(5) In Schedule 6 (housing costs) in paragraph 2(5) after “shared parental leave” insert “, parental bereavement leave”.

(6) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 4—

(i) after “12ZB” insert “or Part 12ZD”; and

(ii) after “shared parental leave” insert “, parental bereavement leave”;

(b) in paragraph 5—

(i) after “12ZB” insert “or Part 12ZD”; and

(ii) after “shared parental leave” insert “, parental bereavement leave”.

Investment Bank Special Administration Regulations 2011

17.—(1) The Investment Bank Special Administration Regulations 2011(b) are amended in accordance with paragraph (2).

(2) In Schedule 6 (modifications and consequential amendments) in Part 1, in the list of secondary legislation after “Statutory Parental Bereavement Pay (General) Regulations 2020” insert “Statutory Parental Bereavement Pay (General) (No. 2) Regulations (Northern Ireland) 2023”.

Agency Workers Regulations (Northern Ireland) 2011

18.—(1) The Agency Workers Regulations (Northern Ireland) 2011(c) are amended in accordance with paragraph (2).

(2) In regulation 6 (relevant terms and conditions), in paragraph (3)(c) after “paternity” insert “, parental bereavement”.

(a) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2012 No. 121, S.R. 2015 No. 146 and S.R. 2023 No. 56.

(b) S.I. 2011/245; relevant amending Regulations are S.I. 2020/354 and S.R. 2023 No. 56.

(c) S.R. 2011 No. 350.

Local Government Pension Scheme Regulations (Northern Ireland) 2014

19.—(1) The Local Government Pension Scheme Regulations (Northern Ireland) 2014(a) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 17 (employing authority contributions during absences), in paragraph (4)(b)—

- (a) for “or” substitute “;” and
- (b) after “shared parental leave” insert “or parental bereavement leave”.

(3) In regulation 18 (additional pension contributions), in paragraph (17)(a)—

- (a) for “or” substitute “;” and
- (b) after “shared parental leave” insert “or parental bereavement leave”.

(4) In Schedule 1(interpretation)—

- (a) in the definition of “child-related leave” in paragraph (d) omit “or”;
- (b) in paragraph (f) after “;” insert “ or”;
- (c) after paragraph (f) insert—
 - “(g) parental bereavement leave during which the member receives some pensionable pay;”;
- (d) in the appropriate place insert—
 - ““parental bereavement leave” means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;” and
- (e) in the definition of “statutory pay” after “shared parental” insert “, parental bereavement”.

Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014

20.—(1) The Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014(b) are amended in accordance with paragraph (2).

(2) In Schedule 1 (interpretation)—

- (a) in the definition of “child-related leave” in paragraph (d) omit “or”;
- (b) in paragraph (e) after “;” insert “ or”;
- (c) after paragraph (e) insert—
 - “(f) parental bereavement leave during which the member receives some pensionable pay;” and
- (d) in the appropriate place insert—
 - ““parental bereavement leave” means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;”.

Firefighters’ Pension Scheme Regulations (Northern Ireland) 2015

21.—(1) The Firefighters’ Pension Scheme Regulations (Northern Ireland) 2015(c) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 3 (interpretation)—

- (a) in the definition of “child-related leave”—
 - (i) at the end of sub-paragraph (f) omit “or”;
 - (ii) at the end of sub-paragraph (g) after “leave;” insert “or”; and
 - (iii) after sub-paragraph (g) insert —

(a) S.R. 2014 No. 188; relevant amending Regulations are S.R. 2015 No. 146 and S.R. 2023 No. 56.

(b) S.R. 2014 No. 189; relevant amending Regulations are S.R. 2015 No. 146 and S.R. 2023 No. 56.

(c) S.R. 2015 No 78; relevant amending Regulations are S.R. 2015 No 420 and S.R. 2023 No. 56.

- “(h) parental bereavement leave;”;
- (b) in the appropriate place insert—
 - ““parental bereavement leave” means leave under the Parental Bereavement Leave (No. 2) Regulations (Northern Ireland) 2023;”;
- (c) in the definition of “statutory pay”—
 - (i) at the end of sub-paragraph (c) omit “or”;
 - (ii) at the end of sub-paragraph (e) for “;” substitute “, or”; and
 - (iii) after sub-paragraph (e) insert—
 - “(f) statutory parental bereavement pay within the meaning of section 167ZZ9 (entitlement) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;”.
- (3) In regulation 27 (meaning of “assumed pensionable pay”)—
 - (a) in paragraph (2)(c) after “shared parental leave” insert “, parental bereavement leave”; and
 - (b) in paragraph (2)(e) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.
- (4) In regulation 121 (contributions during child-related leave), in paragraph (3) after “shared parental leave” insert “, parental bereavement leave”.

Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015

22.—(1) The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015(a) are amended in accordance with paragraphs (2) to (6).

- (2) In regulation 21 (absence from work), in paragraph (1)—
 - (a) at the end of sub-paragraph (d) omit “or”;
 - (b) at the end of sub-paragraph (e) for “.” substitute “, or”; and
 - (c) after sub-paragraph (e) insert—
 - “(f) parental bereavement leave.”.
- (3) In regulation 28 (pensionable earnings: break in service), in paragraph (2)—
 - (a) at the end of sub-paragraph (d) omit “or”;
 - (b) at the end of sub-paragraph (e) for “.” substitute “, or”; and
 - (c) after sub-paragraph (e) insert—
 - “(f) parental bereavement leave.”.
- (4) In regulation 67 (effect of being absent or leaving and rejoining scheme during contributions payment period), after paragraph (1)(d) insert—
 - “(da) is on parental bereavement leave;”.
- (5) In Schedule 8 (practitioner income), in paragraph 3—
 - (a) in sub-paragraph (3)(b), after “parental leave” insert “, parental bereavement leave”; and
 - (b) in sub-paragraph (4)(b), after “parental leave” insert “, parental bereavement leave”.
- (6) In Schedule 13 (definitions), in the appropriate place in Column 1, insert “parental bereavement leave”, and for the corresponding entry in Column 2 insert “means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996”.

(a) S.R. 2015 No. 120.

Childcare Payments (Eligibility) Regulations 2015

23.—(1) The Childcare Payments (Eligibility) Regulations 2015(a) are amended in accordance with paragraph (2).

(2) In regulation 12 (qualifying paid work: time off in connection with sickness or parenting), in paragraph (1)—

- (a) in sub-paragraph (n)—
 - (i) omit “in relation to England, Wales and Scotland only.”; and
 - (ii) after “section 80EA of the Employment Rights Act 1996” insert “or Article 112EA of the Employment Rights (Northern Ireland) Order 1996”.
- (b) in sub-paragraph (o)—
 - (i) omit “in relation to England, Wales and Scotland only.”; and
 - (ii) after “Part 12ZD of the Social Security Contributions and Benefits Act 1992” insert “or Part 12ZD of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

Universal Credit Regulations (Northern Ireland) 2016

24.—(1) The Universal Credit Regulations (Northern Ireland) 2016(b) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation), in paragraph 1, in the appropriate place insert—

““statutory parental bereavement pay” means statutory parental bereavement pay payable in accordance with Part 12ZD of the Contributions and Benefits Act;”.

(3) In regulation 33 (the work condition), in paragraph (2)(b) after “statutory shared parental pay” insert “, statutory parental bereavement pay”.

(4) In regulation 55 (employed earnings), in paragraph (4)—

- (a) in sub-paragraph (d) omit “and”;
- (b) in sub-paragraph (e) for “.” substitute “; and”; and
- (c) after sub-paragraph (e), insert —

“(f) statutory parental bereavement pay.”.

Jobseeker’s Allowance Regulations (Northern Ireland) 2016

25.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 2016(c) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (general interpretation), in paragraph (2), in the appropriate place insert—

““parental bereavement leave” means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;”.

(3) In regulation 42 (persons treated as engaged in remunerative work), in paragraph (1) after “shared parental leave” insert “, parental bereavement leave”.

(4) In regulation 58 (earnings of employed earners), in paragraph (2)(c), after “shared parental leave” insert “, parental bereavement leave”.

Employment and Support Allowance Regulations (Northern Ireland) 2016

26.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2016(a) are amended in accordance with paragraph (2).

(a) S.I. 2015/448; relevant amending Regulations are S.I. 2020/354, S.I. 2021/781 and S.R. 2023 No. 56.
(b) S.R. 2016 No. 216.
(c) S.R. 2016 No. 218.

(2) In regulation 80 (earnings of employed earners) in paragraph (2)(b) after “107E or 107G of that Order” insert “, parental bereavement leave under Article 112EA of that Order”.

Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016

27.—(1) The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016**(b)** are amended in accordance with paragraph (2).

(2) In regulation 8 (qualifying paid work and work outside role as a foster parent: time off in connection with sickness or parenting), in paragraph (1)—

- (a) in sub-paragraph (n) after “section 80EA of the Employment Rights Act 1996” insert “or Article 112EA of the Employment Rights (Northern Ireland) Order 1996”; and
- (b) in sub-paragraph (o) after “Part 12ZD of the Social Security Contributions and Benefits Act 1992” insert “or Part 12ZD of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”.

Transitional provisions

28. The revocation and re-enactment of provisions by these Regulations does not affect the continuity of the law.

29.—(1) This regulation applies to a reference (expressed or implied) in these Regulations, any statutory provision, or any other instrument or document, to a provision of these Regulations.

(2) The reference is, subject to its context, to be read as being or including a reference to any or all of the corresponding provisions, in relation to times, circumstances or purposes in relation to which those earlier provisions had effect.

(3) For the purposes of paragraph (2), the corresponding provisions are—

- (a) the corresponding provision revoked by these Regulations;
- (b) the corresponding provision revoked by the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations (Northern Ireland) 2023**(c)**;
- (c) the corresponding provision revoked by the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) (No. 2) Regulations (Northern Ireland) 2022**(d)**.

30.—(1) This regulation applies to a reference (expressed or implied) in any statutory provision, or any other instrument or document to—

- (a) a provision revoked by these Regulations;
- (b) a provision revoked by the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations (Northern Ireland) 2023; or
- (c) a provision revoked by the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) (No. 2) Regulations (Northern Ireland) 2022.

(2) The reference is, subject to its context, to be read as being or including a reference to the corresponding provision of these Regulations, in relation to times, circumstances or purposes in relation to which that provision has effect.

31.—(1) The revocation of any provision by these Regulations does not affect the previous operation of that provision, except as provided by regulation 32.

(2) The revocation by these Regulations of the savings made by regulations 31 and 32 of the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation)

(a) S.R. 2016 No. 219.

(b) S.I. 2016/1257; relevant amending Regulations are S.I. 2020/354, S.I. 2021/781 and S.R. 2023 No. 56.

(c) S.R. 2023 No. 56.

(d) S.R. 2022 No. 236.

Regulations (Northern Ireland) 2023 does not affect the operation of those savings in so far as they are not specifically reproduced in these Regulations but remain capable of having effect.

32.—(1) Anything done, or having effect as if done, under (or for the purposes of or in reliance on) a provision revoked by these Regulations and in operation or effective immediately before the time these Regulations come into operation, has effect after that time as if done instead under (or for the purposes of or in reliance on) the corresponding provision of these Regulations.

(2) Any right, privilege, obligation or liability acquired, accrued or incurred under a provision revoked by these Regulations is to be treated as having acquired, accrued or incurred instead under the corresponding provision of these Regulations.

(3) Any reference in paragraph (1) or (2) to—

- (a) a thing done, or having effect as if done, under (or for the purposes of or in reliance on) a provision revoked by these Regulations, or
- (b) a right, privilege, obligation or liability acquired, accrued or incurred under a provision revoked by these Regulations,

includes a reference to a thing that has effect as if done under that provision, or is treated as having been acquired, accrued or incurred under that provision, by virtue of regulation 32 of the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations (Northern Ireland) 2023.

(4) The revocation of any provision by these Regulations does not affect-

- (a) any offence committed against that provision, or any penalty or punishment incurred in respect thereof, or
- (b) any investigation or legal proceeding in respect of any such penalty or punishment;

and any investigation or legal proceeding in respect of any such penalty or punishment may be instituted, continued or enforced, and any such penalty or punishment may be imposed, as if the provision had not been revoked.

33.—(1) Regulations 28 to 32 have effect in place of sections 28(2) and 29 of the Interpretation Act (Northern Ireland) 1954(a) (“1954 Act”).

(2) Nothing in those regulations affects any other provision of the 1954 Act.

(3) In regulations 29 and 30, “instrument” and “statutory provision” have the meaning given to them by section 1(c) and (f) of the 1954 Act.

Revocation

34. The Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations (Northern Ireland) 2023 are revoked.

Sealed with the Official Seal of the Department for the Economy on 28th September 2023.

(L.S.)

Colin Jack
A senior officer of the Department for the Economy

(a) 1954 c. 33 (N.I.).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact the provisions of the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations (Northern Ireland) 2023 that otherwise cease to have effect by virtue of section 172(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and Article 251(1A) of the Employment Rights (Northern Ireland) Order 1996.

These Regulations make amendments to secondary legislation in consequence of Regulations made under the Employment Rights (Northern Ireland) Order 1996 and Social Security Contributions and Benefits (Northern Ireland) Act 1992, which make provision for entitlements to bereavement leave and pay for parents following the death of a child. The Regulations also make transitional provisions.

A separate impact assessment has not been prepared for these Regulations. The Regulations are part of a package of legislative measures and the relevant impact assessment is the Parental Bereavement (Leave and Pay) Bill impact assessment which was published in April 2020. (<https://www.economy-ni.gov.uk/sites/default/files/consultations/economy/equality-impact-assessment-parental-bereavement-leave-and-pay.pdf>).

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