
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Welfare Reform (Northern Ireland) Order 2015

PART 3

Working-age benefits

CHAPTER 4

Entitlement to work

Entitlement to work: maternity allowance and statutory payments

- 68.**—(1) The Contributions and Benefits Act is amended as follows.
- (2) In section 35 (state maternity allowance)—
- (a) in subsection (1), after paragraph (d) insert—
- “and
- (e) at the commencement of the week referred to in paragraph (a) above she was entitled to engage in the employment referred to in paragraph (b) above.”;
- (b) in subsection (3), before paragraph (a) insert—
- “(za) for circumstances in which subsection (1)(e) above does not apply.”.
- (3) In section 160 (statutory maternity pay)—
- (a) in subsection (2), after paragraph (a) insert—
- “(aa) that at the end of the week immediately preceding that 14th week she was entitled to be in that employment.”;
- (b) in subsection (9), after paragraph (d) insert—
- “(da) provide for circumstances in which subsection (2)(aa) above does not apply.”.
- (4) In section 167ZA (statutory paternity pay: birth)—
- (a) in subsection (2), after paragraph (b) insert—
- “(ba) that at the end of the relevant week he was entitled to be in that employment.”;
- (b) after subsection (3) insert—
- “(3A) Regulations may provide for circumstances in which subsection (2)(ba) above does not apply.”
- (5) In section 167ZB (statutory paternity pay: adoption)—
- (a) in subsection (2), after paragraph (b) insert—
- “(ba) that at the end of the relevant week he was entitled to be in that employment.”;
- (b) after subsection (3) insert—
- “(3A) Regulations may provide for circumstances in which subsection (2)(ba) above does not apply.”

- (6) In section 167ZL (statutory adoption pay: entitlement)—
- (a) in subsection (2), after paragraph (b) insert—
“(ba) that at the end of the relevant week he was entitled to be in that employment;”;
 - (b) in subsection (3), after “(2)(b)” insert “, (ba)”;
 - (c) in subsection (8), before paragraph (a) insert—
“(za) exclude the application of subsection (2)(ba) above in prescribed circumstances;”.
- (7) After section 169 (age) insert—

“Entitlement to be in employment

169A. For the purposes of this Act a person is entitled to engage in or to be in any employment if (and only if)—

- (a) the person does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or
 - (b) the person has been granted such leave and—
 - (i) the leave is not invalid,
 - (ii) the leave has not for any reason ceased to have effect, and
 - (iii) the leave is not subject to a condition preventing the person from accepting that employment.”
- (8) In Schedule 11 (statutory sick pay: circumstances in which periods of entitlement do not arise)—
- (a) in paragraph 2, after sub-paragraph (h) insert—
“(i) the employee is not entitled to be in his employment on the relevant date.”;
 - (b) after paragraph 8 insert—
“**9.** Paragraph 2(i) above does not apply in prescribed circumstances.”