



Northern Ireland
Assembly

Parental Bereavement (Leave and Pay) Bill
Notice of Amendments tabled on
19 January 2022 for Further Consideration Stage

Clause 1, Page 4, Line 5

At end insert -

- ‘(2) Regulations under this Article may—
- (a) specify conditions to be satisfied for the purpose of determining whether a person has experienced a miscarriage for the purposes of the regulations;
 - (b) provide that regulations under this Chapter also apply in relation to a person who satisfies specified conditions as to relationship with the person who experienced the miscarriage.’

Minister for the Economy

Clause 2, Page 4

Leave out lines 17 to 24 and insert -

- ‘(b) that the person is in employed earner’s employment with an employer on the day on which the child dies, and
- (c) that the weekly earnings threshold is met (see subsection (4A)).’

Minister for the Economy

Clause 2, Page 4, Line 30

At end insert -

- ‘(4A) The weekly earnings threshold is met if the person’s normal weekly earnings for any continuous period of 8 weeks falling within the relevant window is not less than the lower earnings limit in force under section 5(1)(a) at the end of the relevant week.
- (4B) In subsection (4A), the “relevant window” is the period consisting of—
- (a) the 8 weeks ending with the relevant week, and

(b) the 8 weeks immediately following that week.

(4C) The reference in subsection (4A) to a person's normal weekly earnings is, in relation to any period after the date on which the child dies, a reference to the person's expected normal weekly earnings for that period.

(4D) Section 167ZZ17(8A) provides for the calculation of a person's expected normal weekly earnings.'

Minister for the Economy

Clause 2, Page 4, Line 31

Leave out 'subsection (2)' and insert 'this section'

Minister for the Economy

Clause 2, Page 5, Line 6

After 'has' insert 'or (4A) to (4C) have'

Minister for the Economy

Clause 2, Page 5, Line 15

Leave out '26' and insert '8'

Minister for the Economy

Clause 2, Page 5, Line 18

Leave out '26' and insert '8'

Minister for the Economy

Clause 2, Page 5, Line 37

Leave out '(2)(c)' and insert '(2)(b)'

Minister for the Economy

Clause 2, Page 9, Line 26

At end insert '; but this does not apply to a person's expected normal weekly earnings (as to which, see subsection (8A)).'

Minister for the Economy

Clause 2, Page 9, Line 30

At end insert -

‘(8A) For the purposes of section 167ZZ9, a person’s expected normal weekly earnings are to be calculated in accordance with regulations; and such regulations may provide for assumptions to be made about the continuation of the person’s employment and the person’s earnings from that employment.’

Minister for the Economy

Clause 2 , Page 10, Line 27

At end insert -

‘(2) Regulations under this section may—
(a) specify conditions to be satisfied for the purpose of determining whether a person has experienced a miscarriage for the purposes of the regulations;
(b) provide that this Part and regulations under it also apply in relation to a person who satisfies specified conditions as to relationship with the person who experienced the miscarriage.’

Minister for the Economy

New Clause

After clause 2 insert -

‘Temporary provision: qualifying employment period for parental pay

2A.—(1) This section applies in relation to a person’s entitlement to payments of statutory parental bereavement pay in respect of a child who dies before 6 April in the year that is specified under subsection (2).

(2) The Department for the Economy must by regulations specify a year for the purposes of subsection (1); and the year so specified must be the same as the year specified in accordance with section 4(3) (application of miscarriage regulations).

(3) The provisions inserted by section 2 have effect with the modifications set out in subsections (4) to (8).

(4) In section 167ZZ9, for subsection (2) substitute—

“(2) The conditions are—

- (a) that the person is a bereaved parent,
- (b) that the person has been in employed earner’s employment with an employer for a continuous period of at least 26 weeks ending with the relevant week,
- (c) that the person’s normal weekly earnings for the period of 8 weeks ending with the relevant week are not less than the lower earnings limit in force under section 5(1)(a) at the end of the relevant week, and
- (d) that the person has been in employed earner’s employment with the employer by reference to whom the condition in paragraph (b) is satisfied for a continuous period beginning with the end of the relevant week and ending with the day on which the child dies.”.

(5) In section 167ZZ9, omit subsections (4A) to (4D).

(6) In section 167ZZ10(4)—

- (a) in paragraph (a), for “section 167ZZ9(2)(b) or (c) has or (4A) to (4C) have” substitute “section 167ZZ9(2)(b), (c) or (d) has”;
- (b) in paragraph (e), for “8 weeks” (in both places) substitute “26 weeks”.
- (7) In section 167ZZ11(1), after “subsection (2)(b)” insert “and (d)”.
- (8) In section 167ZZ17, omit—
 - (a) the reference in subsection (6) to a person’s expected normal weekly earnings, and
 - (b) subsection (8A).
- (9) Regulations under subsection (2) may make such transitory or transitional provision, or savings, as the Department considers necessary or expedient.
- (10) Regulations under subsection (2) are subject to negative resolution.’

Minister for the Economy

Leave out Clause 4 and insert -

‘Commencement

4.—(1) Sections 1 to 2A come into operation on the day after the day on which this Act receives Royal Assent.

(2) The first regulations under—

- (a) Article 112EA of the Employment Rights (Northern Ireland) Order 1996, and
- (b) Part 12ZD of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, except section 167ZZ19 (application to miscarriage),

must provide that they are to apply in respect of children who die on or after 6 April 2022 or such later date, not being later than 6 April 2023, as may be specified in the regulations.

(3) The first regulations under Article 112EF of the Employment Rights (Northern Ireland) Order 1996 and section 167ZZ19 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (miscarriage) must provide that they are to apply in respect of miscarriages that occur on or after 6 April in such year as is specified in the regulations.

(4) Part 1 of the Schedule (and section 3 so far as it relates to that Part) come into operation on such day or days as the Department for the Economy may by order appoint.

(5) Part 2 of the Schedule (and section 3 so far as it relates to that Part) comes into operation on such day or days as the Department for Communities may by order appoint.

(6) An order under subsection (4) or (5) may make such transitory or transitional provision, or savings, as the Department making it considers necessary or expedient.’

Minister for the Economy

Schedule, Page 14, Line 14

Leave out paragraphs 8 and 9 and insert -

‘8.—(1) Section 172 (Assembly, etc. control of regulations and orders) is amended as follows.

(2) In subsection (2)(a), after “sections 167ZU to 167ZZ2” insert “or sections 167ZZ9 to 167ZZ12”.

(3) In subsection (4), for “and (7A)” substitute “, (7A) and (7B)”.

(4) After subsection (7A) insert—

“(7B) The first regulations under section 167ZZ19 must not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”’

Minister for the Economy

Schedule, Page 16, Line 1

Leave out paragraphs 25 and 26 and insert -

‘25.—(1) Article 251 (orders and regulations) is amended as follows.

(2) In paragraph (1A), after “112BAA,” insert “112EA,”.

(3) In paragraph (1B), after “or 67FA” insert “, and the first regulations under Article 112EF,”.’

Minister for the Economy

Long Title

At the end insert ‘or who have experienced a miscarriage.’

Minister for the Economy

Clause 2, Page 4, Line 16

After ‘parent,’ insert -

‘and

(aa) that the person is in employed earner’s employment with an employer on the day on which the child dies.’

Dr Caoimhe Archibald

Clause 2, Page 4, Line 17

Leave out paragraphs (b) and (c)

Dr Caoimhe Archibald

Clause 2, Page 4, Line 31

Leave out subsection (5)

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Clause 2, Page 5, Line 6

Leave out ‘(b) or (c)’ and insert ‘(aa)’

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Clause 2, Page 5, Line 12

Leave out paragraphs (d) to (f)

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Clause 2, Page 5, Line 37

Leave out '(c)' and insert '(aa)'

Dr Caoimhe Archibald

New Clause

After clause 2 insert -

'Temporary provision for qualifying employment period for parental bereavement pay

2A.—(1) This section applies in relation to a person's entitlement to payments of statutory parental bereavement pay in respect of a child who dies before the date mentioned in subsection (2).

(2) The date is the date that falls 30 months after Royal Assent and thereafter this temporary provision will cease to have effect.

(3) The provisions inserted by section 2 have effect with the modifications set out in subsections (4) to (7).

(4) In section 167ZZ9, for subsection (2) substitute —

“(2) The conditions are—

- (a) that the person is a bereaved parent,
- (b) that the person has been in employed earner's employment with an employer for a continuous period of 26 weeks ending with the relevant week,
- (c) that the person's normal weekly earnings for the period of 8 weeks ending with the relevant week are not less than the lower earnings limit in force under section 5(1)(a) at the end of the relevant week, and
- (d) that the person has been in employed earner's employment with the employer by reference to whom the condition in paragraph (b) is satisfied for a continuous period beginning with the end of the relevant week and ending with the day on which the child dies.”

(5) In section 167ZZ9, after subsection (4) insert—

“(4A) In subsection (2) “relevant week” means the week immediately before the one in which the child dies.”

(6) In section 167ZZ10, for subsection (4) substitute—

“(4) The Department may by regulations—

- (a) provide that section 167ZZ9 (2)(b) (c) or (d) has effect subject to prescribed modifications in such cases as may be prescribed;
- (b) provide that subsection (1) of this section does not have effect, or has effect subject to prescribed modifications, in such cases as may be prescribed;
- (c) impose requirements about evidence of entitlement;
- (d) specify in what circumstances employment is to be treated as continuous for the purposes of section 167ZZ9;
- (e) provide that a person is to be treated for the purposes of section 167ZZ9 as being employed for a continuous period of at least 26 weeks where—

- (i) the person has been employed by the same employer for at least 26 weeks under two or more separate contracts of service, and
- (ii) those contracts were not continuous;
- (f) provide for amounts earned by a person under separate contracts of service with the same employer to be aggregated for the purposes of section 167ZZ9;
- (g) provide that—
 - (i) the amount of a person’s earnings for any period, or
 - (ii) the amount of the person’s earnings to be treated as comprised in any payment made to the person or for the person’s benefit,
is to be calculated or estimated for the purposes of section 167ZZ9 in such manner and on such basis as may be prescribed and that for that purpose payments of a particular class or description made or falling to be made to or by a person shall, to such extent as may be prescribed, be disregarded or, as the case may be, be deducted from the amount of the person’s earnings.”

(7) In section 167ZZ11(1), leave out “(aa)” and insert “(b) and (d)”.

Dr Caoimhe Archibald

Clause 4, Page 10, Line 42

Leave out ‘12’ and insert ‘30’

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