



2015 CHAPTER 1

PART 2

SHARED RIGHTS TO LEAVE AND PAY

Statutory shared parental pay

Exclusion or curtailment of other statutory rights to pay

6.—(1) The Contributions and Benefits Act is amended as follows.

(2) In section 35 (entitlement to maternity allowance), after subsection (3) insert—

“(3A) Regulations may provide for the duration of the maternity allowance period as it applies to a woman to be reduced, subject to prescribed restrictions and conditions.

(3B) Regulations under subsection (3A) are to secure that the reduced period ends at a time—

- (a) after a prescribed period beginning with the day on which the woman is confined; and
- (b) when at least a prescribed part of the maternity allowance period remains unexpired.

(3C) Regulations under subsection (3A) may, in particular, prescribe restrictions and conditions relating to—

- (a) the end of the woman’s entitlement to maternity leave;
- (b) the doing of work by the woman;

- (c) the taking of prescribed steps by the woman or another person as regards leave under Article 107E of the Employment Rights Order in respect of the child;
 - (d) the taking of prescribed steps by a person other than the woman as regards statutory shared parental pay in respect of the child.
- (3D) Regulations may provide for a reduction in the duration of the maternity allowance period as it applies to a woman to be revoked, subject to prescribed restrictions and conditions.”.
- (3) In section 35, after subsection (3D) (as inserted by subsection (2)) insert—
 - “(3E) A woman who would, but for the reduction in duration of a maternity pay period by virtue of section 161(3A), be entitled to statutory maternity pay for a week is not entitled to a maternity allowance for that week.”.
- (4) In section 161 (the maternity pay period), after subsection (3) insert—
 - “(3A) Regulations may provide for the duration of the maternity pay period as it applies to a woman to be reduced, subject to prescribed restrictions and conditions.
 - (3B) Regulations under subsection (3A) are to secure that the reduced period ends at a time—
 - (a) after a prescribed period beginning with the day on which the woman is confined; and
 - (b) when at least a prescribed part of the maternity pay period remains unexpired.
 - (3C) Regulations under subsection (3A) may, in particular, prescribe restrictions and conditions relating to—
 - (a) the end of the woman’s entitlement to maternity leave;
 - (b) the doing of work by the woman;
 - (c) the taking of prescribed steps by the woman or another person as regards leave under Article 107E of the Employment Rights Order in respect of the child;
 - (d) the taking of prescribed steps by the woman or another person as regards statutory shared parental pay in respect of the child.
 - (3D) Regulations may provide for a reduction in the duration of the maternity pay period as it applies to a woman to be revoked, or to be treated as revoked, subject to prescribed restrictions and conditions.”.
- (5) In section 167ZE (rate and period of statutory paternity pay), after subsection (3) insert—
 - “(3A) Statutory paternity pay is not payable to a person in respect of a statutory pay week if—

Status: This is the original version (as it was originally enacted).

- (a) statutory shared parental pay is payable to that person in respect of any part of that week or that person takes shared parental leave in any part of that week; or
 - (b) statutory shared parental pay was payable to that person or that person has taken shared parental leave in respect of the child before that week.”.
- (6) In section 167ZN (rate and period of statutory adoption pay), after subsection (2) insert—
- “(2A) Regulations may provide for the duration of the adoption pay period as it applies to a person (“A”) to be reduced, subject to prescribed restrictions and conditions.
 - (2B) Regulations under subsection (2A) are to secure that the reduced period ends at a time—
 - (a) after a prescribed part of the adoption pay period has expired; and
 - (b) when at least a prescribed part of the adoption pay period remains unexpired.
 - (2C) Regulations under subsection (2A) may, in particular, prescribe restrictions and conditions relating to—
 - (a) the end of A’s entitlement to adoption leave;
 - (b) the doing of work by A;
 - (c) the taking of prescribed steps by A or another person as regards leave under Article 107G of the Employment Rights Order in respect of the child;
 - (d) the taking of prescribed steps by A or another person as regards statutory shared parental pay in respect of the child.
 - (2D) Regulations may provide for a reduction in the duration of the adoption pay period as it applies to a person to be revoked, or to be treated as revoked, subject to prescribed restrictions and conditions.”.