

**Changes to legislation:** There are currently no known outstanding effects for the Work and Families Act 2006,  
Cross Heading: Social Security Contributions and Benefits Act 1992 (c. 4). (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

#### LEAVE AND PAY RELATED TO BIRTH OR ADOPTION: FURTHER AMENDMENTS

##### *Social Security Contributions and Benefits Act 1992 (c. 4)*

- 3 In section 1(5) of SSCBA 1992 (which provides for payment by way of additional contributions out of money provided by Parliament of an annual amount equal to statutory sick pay, statutory maternity pay, statutory paternity pay and statutory adoption pay recovered by employers and others), for “statutory paternity pay” substitute “ordinary statutory paternity pay, additional statutory paternity pay”.

#### Commencement Information

- 11** Sch. 1 para. 3 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 4 In section 4(1) of SSCBA 1992 (payments treated as remuneration and earnings), in paragraph (a), for sub-paragraphs (iii) and (iv) substitute—  
“(iii) ordinary statutory paternity pay;  
(iv) additional statutory paternity pay; or  
(v) statutory adoption pay; and”.

#### Commencement Information

- 12** Sch. 1 para. 4 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 5 In section 4C of SSCBA 1992 (power to make provision in consequence of provision made by or by virtue of section 4B(2)), in subsection (11), in the definition of “statutory payment”, for “statutory paternity pay” substitute “ordinary statutory paternity pay, additional statutory paternity pay”.

#### Commencement Information

- 13** Sch. 1 para. 5 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 6 In section 35 of SSCBA 1992 (state maternity allowance), in subsection (3)(a) (power by regulations to prescribe cases in which a woman is disqualified from receiving a maternity allowance), for sub-paragraph (i) substitute—  
“(i) during the maternity allowance period, except in prescribed cases, she does any work in employment as an employed or self-employed earner;  
(ia) during the maternity allowance period she fails without good cause to observe any prescribed rules of behaviour; or”.

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**Commencement Information**

**I4** Sch. 1 para. 6 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

**I5** Sch. 1 para. 6 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

- 7 (1) Section 165 of SSCBA 1992 (the maternity pay period) is amended as follows.
- (2) For subsections (2) and (3) substitute—
- “(2) Subject to subsections (3) and (7), the maternity pay period shall begin with the 11th week before the expected week of confinement.
- (3) Cases may be prescribed in which the first day of the period is to be a prescribed day after the beginning of the 11th week before the expected week of confinement, but not later than the day immediately following the day on which she is confined.”
- (3) In subsection (4), at the beginning insert “ Except in such cases as may be prescribed, ”.
- (4) After subsection (7) insert—
- “(8) In subsections (1), (4) and (6) “week” means a period of seven days beginning with the day of the week on which the maternity pay period begins.”

**Commencement Information**

**I6** Sch. 1 para. 7 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

**I7** Sch. 1 para. 7 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

- 8 (1) Section 166 of SSCBA 1992 (rate of statutory maternity pay) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) In subsection (1) “week” means any period of seven days.”
- (3) After subsection (3) insert—
- “(4) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of statutory maternity pay, the amount payable by way of statutory maternity pay for any day shall be taken as one seventh of the weekly rate.”

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 1.10.2006 by S.I. 2006/1682, art. 3(e)

- 9 (1) Section 171 of SSCBA 1992 (interpretation of Part 12) is amended as follows.
- (2) In subsection (1), omit the definition of “week”.
- (3) After that subsection insert—
- “(1A) In this Part, except section 165(1), (4) and (6), section 166(1) and paragraph 3(2) of Schedule 13, “week” means a period of 7 days beginning with Sunday

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or such other period as may be prescribed in relation to any particular case or class of case.”

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

**I10** Sch. 1 para. 9 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

10 For the heading to Part 12ZA of SSCBA 1992 (statutory paternity pay), substitute “ ORDINARY AND ADDITIONAL STATUTORY PATERNITY PAY ”.

**Commencement Information**

**I11** Sch. 1 para. 10 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

<sup>F1</sup>11 .....

**Textual Amendments**

**F1** Sch. 1 para. 11 repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 7 para. 68; S.I. 2014/1640, art. 7(mm) (with art. 16)

12 In section 171ZA of SSCBA 1992 (entitlement: birth), in subsections (1) and (4), for “statutory paternity pay” substitute “ ordinary statutory paternity pay ”.

**Commencement Information**

**I12** Sch. 1 para. 12 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

13 In section 171ZB of SSCBA 1992 (entitlement: adoption), in subsections (1), (4) and (6), for “statutory paternity pay” substitute “ ordinary statutory paternity pay ”.

**Commencement Information**

**I13** Sch. 1 para. 13 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

14 In section 171ZC of SSCBA 1992 (entitlement: general), for “statutory paternity pay” (wherever occurring) substitute “ ordinary statutory paternity pay ”.

**Commencement Information**

**I14** Sch. 1 para. 14 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

15 (1) Section 171ZD of SSCBA 1992 (liability to make payments) is amended as follows.

(2) In subsection (1), after “payments of” insert “ ordinary ”.

(3) In subsection (2)—

(a) for “statutory paternity pay”, where first occurring, substitute “ ordinary statutory paternity pay ”, and

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- (b) for “liability for statutory paternity pay” substitute “ liability for ordinary statutory paternity pay or additional statutory paternity pay (or both) ”.

**Commencement Information**

**I15** Sch. 1 para. 15 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 16 (1) Section 171ZE of SSCBA 1992 (rate and period of statutory paternity pay) is amended as follows.
  - (2) For “statutory paternity pay”, wherever occurring, substitute “ ordinary statutory paternity pay ”.
  - (3) After subsection (10) insert—
    - “(10A) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of ordinary statutory paternity pay, the amount payable by way of ordinary statutory paternity pay for any day shall be taken as one seventh of the weekly rate.”

**Commencement Information**

- I16** Sch. 1 para. 16(1) in force at 1.10.2006 for specified purposes by S.I. 2006/2232, art. 2(b)
- I17** Sch. 1 para. 16(1) in force at 6.4.2010 for specified purposes by S.I. 2010/495, art. 4(d)
- I18** Sch. 1 para. 16(2) in force at 6.4.2010 by S.I. 2010/495, art. 4(d)
- I19** Sch. 1 para. 16(3) in force at 1.10.2006 by S.I. 2006/2232, art. 2(c)

F<sup>2</sup>17 .....

**Textual Amendments**

**F2** Sch. 1 para. 17 repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 7 para. 68; S.I. 2014/1640, art. 7(mm) (with art. 16)

- 18 In section 171ZF of SSCBA 1992 (restrictions on contracting out), in subsection (2), for “statutory paternity pay” substitute “ ordinary statutory paternity pay or additional statutory paternity pay ”.

**Commencement Information**

**I20** Sch. 1 para. 18 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

F<sup>3</sup>19 .....

**Textual Amendments**

**F3** Sch. 1 para. 19 repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 7 para. 68; S.I. 2014/1640, art. 7(mm) (with art. 16)

- 20 (1) Section 171ZJ of SSCBA 1992 (Part 12ZA: supplementary) is amended as follows.
  - (2) In subsection (5), for “section 171ZE” substitute “ sections 171ZE and 171ZEE ”.

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(3) In subsection (10)(f), for “statutory paternity pay” substitute “ ordinary statutory paternity pay or additional statutory paternity pay ”.

**Commencement Information**

**I21** Sch. 1 para. 20 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

21 (1) Section 171ZN of SSCBA 1992 (rate and period of statutory adoption pay) is amended as follows.

(2) At the beginning of subsection (3) insert “ Except in such cases as may be prescribed, ”.

(3) After subsection (6) insert—

“(6A) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of statutory adoption pay, the amount payable by way of statutory adoption pay for any day shall be taken as one seventh of the weekly rate.”

**Commencement Information**

**I22** Sch. 1 para. 21 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

**I23** Sch. 1 para. 21 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

F<sup>4</sup>22 .....

**Textual Amendments**

**F4** Sch. 1 para. 22 repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 7 para. 68; S.I. 2014/1640, art. 7(mm) (with art. 16)

23 In Schedule 13 to SSCBA 1992 (relationship of statutory maternity pay with benefits and other payments etc.), in paragraph 3 (contractual remuneration), after sub-paragraph (2) insert—

“(2A) In sub-paragraph (2) “week” means a period of seven days beginning with the day of the week on which the maternity pay period begins.”

**Commencement Information**

**I24** Sch. 1 para. 23 in force at 1.10.2006 by S.I. 2006/1682, art. 3(e)

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