

Draft Order laid before Parliament under section 176(1)(a) of the Social Security Contributions and Benefits Act 1992, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

SOCIAL SECURITY

TERMS AND CONDITIONS OF EMPLOYMENT

The Statutory Paternity Pay and Statutory Adoption
Pay (Weekly Rates) (Amendment) Regulations 2004

Made - - - - 2004
Coming into force - - 4th April 2004

Whereas a draft of the following Regulations was laid before Parliament in accordance with section 176(1)(a) of the Social Security Contributions and Benefits Act 1992(1) and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon her by section 171ZE(1) of the Social Security Contributions and Benefits Act 1992(2) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(3), hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) (Amendment) Regulations 2004 and shall come into force on 4th April 2004 and immediately after the coming into force of the Social Security Benefits Up-rating Order 2004(4).

(2) In these Regulations, “the Principal Regulations” means the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002(5).

Amendment to the Principal Regulations

2. The Principal Regulations shall be amended by the substitution for regulation 2 of the following—

(1) 1992 c. 4; section 176(1)(a) was amended by paragraph 7 of Schedule 7 to the Employment Act 2002 (c. 22).
(2) Section 171ZE was inserted by section 2 of the Employment Act 2002.
(3) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
(4) S.I. 2004/
(5) S.I. 2002/2818; regulation 2 was amended by article 11 of S.I. 2004/

“Weekly rate of payment of statutory paternity pay

2. The weekly rate of payment of statutory paternity pay shall be the smaller of the following two amounts—

- (a) £102.80;
- (b) 90 per cent. of the normal weekly earnings of the person claiming statutory paternity pay, determined in accordance with regulations 39 and 40 of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002⁽⁶⁾.”

Parliamentary Under Secretary of State for
Employment Relations, Competition and
Consumers,
Department of Trade and Industry

2004

(6) S.I. 2002/2822.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force immediately after the coming into force of the Social Security Benefits Up-rating Order 2004 which up-rates the weekly rate of paternity pay to the smaller of either £102.80 or 90 per cent of the employee's normal weekly earnings for any period of paternity leave beginning on or after 4th April 2004. These Regulations substitute a new regulation 2 into the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002 with the effect that any week of paternity leave beginning on or after 4th April 2004 will be paid at the new rate.

A Regulatory Impact Assessment of the estimated costs and benefits of these and other technical amendments proposed to the paternity and adoption pay and leave schemes has been prepared by the Department of Trade and Industry and has been placed in the Libraries of both Houses of Parliament. Copies are available to the public free of charge from Employment Relations Directorate, Room UG129, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET and on the DTI website at www.dti.gov.uk.