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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations introduce a new entitlement for mothers, fathers or the partners of mothers who are employed earners and for adopters and their partners who are employed earners to receive a statutory payment from their employers called statutory shared parental pay.

Part 1 of the Regulations is introductory and in particular specifies for what children the new entitlement arises by reference to the time of their expected week of birth or placement for adoption.

Part 2 (regulations 4 to 16) relates to entitlement to statutory shared parental pay in connection with the birth of a child. Regulations 4 and 5 set out the conditions which a mother, mother's partner or father must satisfy in order to be entitled to this pay. Regulations 6 and 7 detail what notices and information the claimant mother, mother's partner or father must provide. Regulation 8 provides for the claimants to vary their entitlement once they have claimed it. Regulation 9 provides for the modification of the notice provisions in the case of an early birth. Regulation 10 sets out how many weeks of statutory shared parental pay is available to the claimants. Regulation 11 sets out when the pay is not to be paid. Regulations 12 to 15 deal with further circumstances relating to such matters as work or absence from work which mean that pay may, or may not be, payable.

Part 3 (regulations 17 to 28) concerns statutory shared parental pay in connection with adoption. The provisions correspond to the provisions in Part 2.

Part 4 (regulations 29 to 39) sets out the conditions relating to employment and earnings that a claimant and the claimant's partner (or child's father) must satisfy in order for the claimant to be entitled to statutory shared parental pay (regulations 29 to 32). This Part also contains further provisions relating to employment (regulations 33 to 39).

Part 5 (regulations 40 to 48) contains provisions as to the rate of statutory shared parental pay, how it is paid, when it is paid and who pays it.

The Schedule contains provisions modifying the regulations in various cases where a claimant, a claimant's partner or father of the child dies or where the child dies or, in the case of adoption, is returned after being placed.

A separate impact assessment has not been prepared for these Regulations. The Regulations are part of a package of legislative measures and the relevant impact assessment is *the Modern Workplaces: shared parental leave and pay administration consultation impact assessment* which was published in February 2013. A copy of that impact assessment can be obtained from the Department of Business, Innovation and Skills, Labour Market Directorate, 1 Victoria Street, London SW1H 0ET. Copies have also been placed in the libraries of both Houses of Parliament.