
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Statutory Shared Parental Pay (General) Regulations 2014

PART 3

ENTITLEMENT TO STATUTORY SHARED PARENTAL PAY (ADOPTION)

Extent of entitlement to statutory shared parental pay (adoption)

22.—(1) The number of weeks in respect of which A or, as the case may be, AP is entitled to payments of statutory shared parental pay (adoption) in respect of C is 39 weeks less—

(a) the number of weeks—

(i) in respect of which statutory adoption pay is payable to A in respect of C up to the time that person has returned to work (where that person has returned to work without satisfying the conditions in regulations 17(2)(e) or 18(3)(d)) (condition as to reduction in adoption pay period); or

(ii) in any other case, to which the adoption pay period is reduced by virtue of section 171ZN(2A) of the 1992 Act; and

(b) the number of weeks of statutory shared parental pay (adoption) in respect of C which—

(i) in the case of A, AP has notified AP's intention to claim under regulation 20 or 21; or

(ii) in the case of AP, A has notified A's intention to claim under regulation 19 or 21.

(2) In the case where A has more than one entitlement to statutory adoption pay in respect of C and in relation to all those entitlements A returns to work without satisfying the conditions in regulation 17(2)(e) or 18(3)(d), paragraph (1)(a)(i) shall apply as though it read—

“(i) in respect of which statutory adoption pay is payable to A in respect of C up to the last day A returns to work;”.

(3) In the case where A has more than one entitlement to statutory adoption pay in respect of C and the adoption pay periods which apply as a result of those entitlements are all reduced by virtue of section 171ZN(2A) of the 1992 Act before A returns to work, paragraph (1)(a)(ii) shall apply as though it read—

“(ii) falling in the period beginning with the first day of the adoption pay period which is the earliest to begin and ending with the last day of the adoption pay period which is the last to end;”.

(4) In a case where A has more than one entitlement to statutory adoption pay in respect of C and—

(a) A returns to work in relation to one or more of those entitlements without satisfying the conditions in regulation 17(2)(e) or 18(3)(d), and

(b) in relation to one or more of the adoption pay periods which apply as a result of those entitlements that period or those periods are reduced by virtue of section 171ZN(2A) of the 1992 Act before A returns to work,

paragraph (1)(a) shall apply as though it read—

- “(a) the number of weeks falling within the period beginning with the first day of the adoption pay period which is the earliest to begin and ending with the later of—
- (i) the last day of the adoption pay period which is reduced by virtue of section 171ZN(2A) of the 1992 Act before A returns to work (or, where there is more than one such period, the last of those periods); and
 - (ii) the day on which A returned to work without satisfying the conditions in regulation 17(2)(e) or 18(3)(d) in relation to that period (or, where there is more than one such period, the last of those periods);”.
- (5) In the case where AP has more than one entitlement to statutory shared parental pay in respect of C, paragraph (1)(b)(i) shall apply as though it read—
- “(i) in the case of A, AP has notified AP’s intention to claim under regulation 20 or 21 falling within the period beginning with the first day of the earliest period so notified and ending with the last day of the latest period so notified;”.
- (6) In the case where A has more than one entitlement to statutory shared parental pay in respect of C, paragraph (1)(b)(ii) shall apply as though it read—
- “(ii) in the case of AP, A has notified A’s intention to claim under regulation 19 or 21 falling within the period beginning with the first day of the earliest period so notified and ending with the last day of the latest period so notified;”.
- (7) In this regulation a person is treated as returning to work if statutory adoption pay is not payable to A in accordance with section 171ZN(3) or (5) of the 1992 Act⁽¹⁾.
- (8) In paragraph (1)(a)(ii), (4), (5) and (6) part of a week is to be treated as a whole week.
- (9) In paragraph (1)(a) “week” has the meaning given by section 171ZN(8) of the 1992 Act.

(1) Section 171ZN was inserted by section 2 of the Employment Act 2002 (c.22) and amended by the Work and Families Act 2006, Schedule 1, paragraph 21(2) and (3).