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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Statutory Shared Parental Pay (General) Regulations 2014**

**PART 4**

**CONDITIONS OF ENTITLEMENT RELATING  
TO EMPLOYMENT AND EARNINGS**

**Conditions as to continuity of employment and normal weekly earnings relating to a claimant for statutory shared parental pay (birth)**

**30.**—(1) The conditions as to continuity of employment and normal weekly earnings referred to in regulation 4(2)(a) and 5(2)(a) are—

- (a) the person has been in employed earner's employment with an employer for a continuous period of at least 26 weeks ending with the relevant week;
- (b) the person's normal weekly earnings (see regulation 32) with the employer by reference to which the condition in sub-paragraph (a) is satisfied for the period of eight weeks ending with the relevant week are not less than the lower earnings limit in force under subsection (1)(a) of section 5 (earnings limits and thresholds for class 1 contributions) of the 1992 Act at the end of the relevant week;
- (c) the person continues in employed earner's employment with the employer by reference to which the condition in sub-paragraph (a) is satisfied for a continuous period beginning with the relevant week and ending with the week before the first week falling within the relevant period relating to that person under section 171ZY(2) of the 1992 Act.

(2) Where C's birth occurs earlier than the 14th week before C's expected week of birth paragraph (1) shall have effect as if, for the conditions set out there, there were substituted conditions that—

- (a) the person would have been in employed earner's employment for a continuous period of at least 26 weeks ending with the relevant week had C been born after the relevant week;
- (b) the person's normal weekly earnings for the period of eight weeks ending with the week immediately preceding C's actual week of birth are not less than the lower earnings limit in force under section 5(1)(a) of the 1992 Act immediately before the commencement of C's actual week of birth; and
- (c) the person continues in employed earner's employment with the employer by reference to whom the condition in sub-paragraph (a) is satisfied for a continuous period beginning with the date of C's birth and ending with the week before the first week falling within the relevant period relating to that person under section 171ZY(2) of the 1992 Act.

(3) The references in this regulation to the relevant week are to the week immediately preceding the 14th week before C's expected week of birth.

(4) Where more than one child is born as a result of the same pregnancy the date the first child is born is to be used to determine C's actual week of birth or the date of C's birth.