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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

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

**PART 5**

**PAYMENT OF STATUTORY SHARED PARENTAL PAY**

**Persons unable to act**

- 48.**—(1) This regulation applies where—
- (a) statutory shared parental pay is payable to a person or it is alleged that statutory shared parental pay is payable to a person;
  - (b) that person is unable for the time being to act;
  - (c) no deputy has been appointed by the Court of Protection with power to receive additional statutory paternity pay on their behalf or, in Scotland, their estate is not being administered by a guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000<sup>(1)</sup>; and
  - (d) a written application has been made to the Commissioners by a person, who, if a natural person, is over the age of 18 to exercise any right, or deal with any sums payable, under Part 12ZC of the 1992 Act on behalf of the person unable to act.
- (2) Where this regulation applies the Commissioners may appoint the person referred to in paragraph (1)(d)—
- (a) to exercise, on behalf of the person unable to act, any right which the person unable to act may be entitled under Part 12ZC of the 1992 Act; and
  - (b) to deal, on behalf of the person unable to act, with any sums payable to the person unable to act under Part 12ZC of the 1992 Act.
- (3) Where the Commissioners have made an appointment under paragraph (2)—
- (a) they may at any time revoke it;
  - (b) the person appointed may resign their office after having given one month's notice in writing to the Commissioners of that person's intention to do so; and
  - (c) the appointment shall end when the Commissioners are notified that a deputy or other person to whom paragraph (1)(c) applies has been appointed.
- (4) Anything required by Part 12ZC of the 1992 Act to be done by or to the person who is unable to act may be done by or to the person appointed under this regulation to act on behalf of the person unable to act, and the receipt of the person so appointed shall be a good discharge to the employer or former employer of the person unable to act for any sum paid.

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<sup>(1)</sup> 2000 asp 4.