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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

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

**PART 2**

**ENTITLEMENT TO STATUTORY SHARED PARENTAL PAY (BIRTH)**

**Modification of notice conditions in case of early birth**

**9.—(1)** This paragraph applies where—

- (a) one or more of the periods specified in a notice given under regulation 6, 7, or 8 during which M or, as the case may be, P intends to claim statutory shared parental pay (birth) start in the 8 weeks following the first day of C's expected week of birth;
- (b) C's date of birth is before the first day of the expected week of birth; and
- (c) M or, as the case may be, P varies by notice under regulation 8(1) the period or periods referred to in sub-paragraph (a) so that that period or those periods start the same length of time following C's date of birth as that period or those periods would have started after the first day of the expected week of birth.

(2) Where paragraph (1) applies the requirement in regulation 8(1) to give notice at least 8 weeks before the first period specified in the notice is satisfied if such notice is given as soon as reasonably practicable after C's date of birth.

(3) This paragraph applies where—

- (a) C is born more than 8 weeks before the first day of the expected week of birth; and
- (b) M or, as the case may be, P has not given the notice and information under regulations 6 or 7 before the date of C's birth.

(4) Where paragraph (3) applies and M, or as the case may be, P specifies in a notice under regulation 6 or 7 a period or periods of statutory shared parental pay (birth) which start in the 8 weeks following C's date of birth, then the following modifications apply—

(a) in regulation 6—

(i) paragraph (1)(a) shall apply as if it read—

“(a) paragraphs (2) and (3) as soon as reasonably practicable after the date of C's birth but in any event before the first period specified by M pursuant to paragraph (2)(d).”;

(ii) paragraph (1)(b) and (c) shall not apply;

(iii) paragraph (4) shall not apply.

(b) in regulation 7—

(i) paragraph (1)(a) shall apply as if it read—

“(a) paragraphs (2) and (3) as soon as reasonably practicable after the date of C's birth but in any event before the first period specified by P pursuant to paragraph (2)(d).

- (ii) paragraph (1)(b) and (c) shall not apply;
- (iii) paragraph (4) shall not apply.