



# Work and Families Act 2006

## 2006 CHAPTER 18

An Act to make provision about statutory rights to leave and pay in connection with the birth or adoption of children; to amend section 80F of the Employment Rights Act 1996; to make provision about workers' entitlement to annual leave; to provide for the increase in the sums specified in section 186(1) and 227(1) of that Act; and for connected purposes. 9 [21st June 2006]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Extension of maternity pay period and adoption pay period*

#### **1 Maternity pay period**

In the Social Security Contributions and Benefits Act 1992 (c. 4) (in this Act referred to as “SSCBA 1992”), in section 165(1) (which specifies the maximum period that may be prescribed as the period for which statutory maternity pay and, by virtue of section 35(2) of that Act, maternity allowance, is payable), for “26 weeks” substitute “ 52 weeks ”.

#### **Commencement Information**

- I1** S. 1 in force at 27.6.2006 for specified purposes by [S.I. 2006/1682, art. 2\(a\)](#)
- I2** S. 1 in force at 1.10.2006 in so far as not already in force by [S.I. 2006/1682, art. 3\(a\)](#)

#### **2 Adoption pay period**

In section 171ZN(2) of SSCBA 1992 (which specifies the maximum period that may be prescribed as the period for which statutory adoption pay is payable), for “26 weeks” substitute “ 52 weeks ”.

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

**Commencement Information**

- I3** S. 2 in force at 27.6.2006 for specified purposes by [S.I. 2006/1682](#), **art. 2(b)**
- I4** S. 2 in force at 1.10.2006 in so far as not already in force by [S.I. 2006/1682](#), **art. 3(b)**

*Additional paternity leave and pay*

**F13 Additional paternity leave: birth**

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**Textual Amendments**

- F1** Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 66**; [S.I. 2014/1640](#), **art. 7(II)** (with **art. 16**)

**F14 Additional paternity leave: adoption**

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**Textual Amendments**

- F1** Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 66**; [S.I. 2014/1640](#), **art. 7(II)** (with **art. 16**)

**F15 Rights during and after additional paternity leave**

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**Textual Amendments**

- F1** Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 66**; [S.I. 2014/1640](#), **art. 7(II)** (with **art. 16**)

**F16 Entitlement to additional statutory paternity pay: birth**

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**Textual Amendments**

- F1** Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 66**; [S.I. 2014/1640](#), **art. 7(II)** (with **art. 16**)

**F17 Entitlement to additional statutory paternity pay: adoption**

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*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

**Textual Amendments**

- F1 Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 66](#); S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

**F18 Entitlement to additional statutory paternity pay: general**

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**Textual Amendments**

- F1 Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 66](#); S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

**F19 Liability to make payments of additional statutory paternity pay**

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**Textual Amendments**

- F1 Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 66](#); S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

**F110 Additional statutory paternity pay: rate and period of pay**

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**Textual Amendments**

- F1 Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 66](#); S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

*Leave and pay related to birth or adoption: further amendments*

**11 Leave and pay related to birth or adoption: further amendments**

- (1) Schedule 1 (which contains further amendments relating to statutory leave and pay) has effect.

<sup>F2</sup>(2) .....

- (3) Any reference to ordinary statutory paternity pay in any enactment (including this Act and any enactment amended by this Act) or any instrument or document is to be read, in relation to any time before the commencement of paragraphs 12 and 13 of Schedule 1, as a reference to statutory paternity pay.

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

### Textual Amendments

- F2** S. 11(2) repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 67**; S.I. 2014/1640, **art. 7(II)** (with **art. 16**)

### Commencement Information

- I5** S. 11 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, **art. 2(c)**  
**I6** S. 11 in force at 1.10.2006 for specified purposes by S.I. 2006/1682, **art. 3(c)**  
**I7** S. 11 in force at 1.10.2006 for specified purposes by S.I. 2006/2232, **art. 2(a)**  
**I8** S. 11(1) in force at 3.3.2010 for specified purposes by S.I. 2010/495, **art. 3(b)**  
**I9** S. 11(1) in force at 6.4.2010 for specified purposes by S.I. 2010/495, **art. 4(a)**  
**I10** S. 11(2)(3) in force at 6.4.2010 in so far as not already in force by S.I. 2010/495, **art. 4(b)**

### *Miscellaneous provisions about employment rights*

## 12 Flexible working

- (1) Section 80F of ERA 1996 (statutory right to request contract variation) is amended as follows.
- (2) In subsection (1), for paragraph (b) substitute—
- “(b) his purpose in applying for the change is to enable him to care for someone who, at the time of application, is—
- (i) a child who has not reached the prescribed age or falls within a prescribed description and in respect of whom (in either case) the employee satisfies prescribed conditions as to relationship, or
- (ii) a person aged 18 or over who falls within a prescribed description and in respect of whom the employee satisfies prescribed conditions as to relationship.”
- (3) In subsection (2)(d), for the words from “child” to the end substitute “ child or other person to be cared for, the conditions as to relationship mentioned in subsection (1) (b)(i) or (ii) ”.
- (4) Omit subsections (3), (6) and (7).
- (5) After subsection (8) insert—
- “(9) Regulations under this section may make different provision for different cases.
- (10) In this section—
- “child” means a person aged under 18;
- “prescribed” means prescribed by regulations made by the Secretary of State.”

### Commencement Information

- I11** S. 12 in force at 6.4.2007 by S.I. 2006/1682, **art. 4(a)**

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*Status: Point in time view as at 05/04/2015.*

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### 13 Annual leave

- (1) The Secretary of State may by regulations make provision conferring on workers the right, except in prescribed cases, to a prescribed amount of annual leave in each leave year, as defined for the purposes of the regulations.
- (2) The regulations may in particular—
  - (a) make provision for determining the amount of annual leave to which workers are to be entitled;
  - (b) make provision for determining the amount of pay in respect of any period of leave which is required by the regulations to be paid leave;
  - (c) make provision enabling a worker to elect when to take leave to which he is entitled by virtue of the regulations, subject to any provision of the regulations enabling his employer to require him to take, or not to take, that leave at a particular time;
  - (d) make provision for the payment of compensation in prescribed cases to a worker who has not taken leave to which he is entitled;
  - (e) make provision as to the relationship between the rights conferred by the regulations and a worker's rights to leave, pay or compensation under any contract or under any Act or subordinate legislation;
  - (f) enable a worker to present a complaint to an employment tribunal that his employer has refused to permit him to exercise any right he has under the regulations, or has failed to pay him any amount due to him under the regulations;
  - (g) make, in connection with any right conferred by the regulations (including any right to payment), any other provision which is the same as or similar to any provision made, in connection with any right relating to annual leave conferred in pursuance of any [F<sup>3</sup>EU] obligation, by any regulations under section 2(2) of the 1972 Act made at any time before the day on which the first regulations under this section are made.
- (3) Regulations under this section may make provision as to—
  - (a) who is to be treated as a worker for the purposes of the regulations, and
  - (b) who is to be treated as the worker's employer.
- (4) Regulations under this section may in particular—
  - (a) make provision applying to—
    - (i) Crown employment and persons in Crown employment;
    - (ii) service as a member of the armed forces;
  - (b) make provision conferring rights to and in connection with annual leave on persons falling within any other categories of persons on whom any [F<sup>3</sup>EU] obligation of the United Kingdom requires a right to annual leave to be conferred.
- (5) Regulations under this section may not make provision in relation to the subject-matter of the Agricultural Wages (Scotland) Act 1949 (c. 30) (as that Act had effect on 1st July 1999).
- (6) Regulations under this section—
  - (a) are to be made by statutory instrument;
  - (b) may make different provision for different cases;

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- (c) may contain incidental, supplemental, consequential, transitional or saving provision, including provision amending any Act or subordinate legislation.
- (7) No statutory instrument containing regulations under this section may be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (8) In this section—
  - “the 1972 Act” means the European Communities Act 1972 (c. 68);
  - “the armed forces” means any of the naval, military or air forces of the Crown;
  - “Crown employment” has the meaning given by section 191(3) of ERA 1996;
  - “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).

#### Textual Amendments

**F3** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [arts. 3, 6](#) (with [arts. 3\(2\)\(3\), 4\(2\), 6\(4\)\(5\)](#))

#### Commencement Information

**I12** S. 13 in force at 1.10.2006 by [S.I. 2006/1682](#), [art. 3\(f\)](#)

## 14 Increase of maximum amount of a week's pay for certain purposes

- (1) This section applies to the sums specified in the following provisions—
  - (a) section 186(1)(a) and (b) of ERA 1996 (employee's rights on insolvency of employer: maximum amount payable);
  - (b) section 227(1) of ERA 1996 (maximum amount of a week's pay for the purposes of certain provisions of the Act relating to awards of compensation and redundancy payments).
- (2) The Secretary of State may, on one occasion only, by order substitute for each of the sums mentioned in subsection (1) such higher sum as may be specified in the order.
- (3) An order under this section—
  - (a) is to be made by statutory instrument;
  - (b) may include transitional provision;
  - (c) may exclude, on a single occasion specified in the order under this section, any duty to make an order under section 34 of the 1999 Act (indexation of certain amounts, &c), so far as relating to the sums mentioned in subsection (1).
- (4) Subject to any provision made under subsection (3)(c), this section does not affect the operation of section 34 of the 1999 Act in relation to the sums substituted by the order under this section in the provisions mentioned in subsection (1).
- (5) No statutory instrument containing an order under this section may be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In this section “the 1999 Act” means the Employment Relations Act 1999 (c. 26).

*Status: Point in time view as at 05/04/2015.*

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**Commencement Information**

**I13** S. 14 in force at 1.10.2006 by S.I. 2006/1682, **art. 3(g)**

*Supplementary*

**15 Repeals**

The enactments specified in Schedule 2 are repealed to the extent specified.

**Commencement Information**

**I14** S. 15 in force at 1.10.2006 for specified purposes by S.I. 2006/1682, **art. 3(h)**

**I15** S. 15 in force at 6.4.2010 for specified purposes by S.I. 2010/495, **art. 4(c)**

**16 Interpretation**

In this Act—

“ERA 1996” means the Employment Rights Act 1996 (c. 18);

“SSCBA 1992” means the Social Security Contributions and Benefits Act 1992 (c. 4).

**17 Corresponding provision for Northern Ireland**

An Order in Council under paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) (legislation for Northern Ireland during suspension of devolved government) which contains a statement that it is made only for purposes corresponding to those of this Act—

- (a) is not subject to paragraph 2 of that Schedule (affirmative resolution of both Houses of Parliament), but
- (b) is subject to annulment in pursuance of a resolution of either House of Parliament.

**18 Financial provisions**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenses incurred by a Minister of the Crown or government department under this Act, and
  - (b) any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.
- (2) There shall be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other Act.

**19 Commencement**

- (1) Sections 16 to 18, this section and section 20 come into force on the day on which this Act is passed.

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- (2) The other provisions of this Act come into force in accordance with provision made by the Secretary of State by order made by statutory instrument.
- (3) An order under this section—
  - (a) may make different provision for different purposes;
  - (b) may include supplementary, incidental, saving or transitional provisions.

## **20 Short title and extent**

- (1) This Act may be cited as the Work and Families Act 2006.
- (2) Subject to subsection (3), this Act extends to England and Wales and Scotland only.
- (3) The following provisions extend also to Northern Ireland—
  - (a) this section and sections 17 to 19;
  - (b) paragraphs 2, 45, 49, and 55 to 61 of Schedule 1, and section 11 so far as relating to those paragraphs;
  - (c) the entry in Schedule 2 relating to the Income Tax (Earnings and Pensions) Act 2003 (c. 1), and section 15 so far as relating to that entry.



*Status: Point in time view as at 05/04/2015.*

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## SCHEDULES

### SCHEDULE 1

Section 11

#### LEAVE AND PAY RELATED TO BIRTH OR ADOPTION: FURTHER AMENDMENTS

##### *Social Security Act 1989 (c. 24)*

- 1 (1) In Schedule 5 to the Social Security Act 1989 (employment-related schemes for pensions and other benefits: equal treatment for men and women), paragraph 5A (unfair paternity leave provisions) is amended as follows.
- (2) In sub-paragraph (3), for “or statutory paternity pay” substitute “ , ordinary statutory paternity pay or additional statutory paternity pay ”.
- (3) In sub-paragraph (4), in the definition of “period of paid paternity leave”—
- (a) in paragraph (a), for “or (7)” substitute “ , (7) or (8) ”, and
  - (b) in paragraph (b), for “or statutory paternity pay” substitute “ , ordinary statutory paternity pay or additional statutory paternity pay ”.

<sup>F4</sup>(4) .....

#### **Textual Amendments**

**F4** Sch. 1 para. 1(4) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 68](#); S.I. 2014/1640, art. 7(mm) (with art. 16)

#### **Commencement Information**

**I16** Sch. 1 para. 1 in force at 6.4.2010 by [S.I. 2010/495](#), [art. 4\(d\)](#)

##### *Finance Act 1989 (c. 26)*

- 2 In section 182 of the Finance Act 1989 (disclosure of information), in each of the following provisions—
- (a) subsection (1)(c),
  - (b) subsection (2A)(a),
  - (c) subsection (4)(c)(iii),
  - (d) subsection (5)(b), and
  - (e) subsection (11A),
- for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

#### **Commencement Information**

**I17** Sch. 1 para. 2 in force at 6.4.2010 by [S.I. 2010/495](#), [art. 4\(d\)](#)

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

*Social Security Contributions and Benefits Act 1992 (c. 4)*

- 3 In section 1(5) of SSCBA 1992 (which provides for payment by way of additional contributions out of money provided by Parliament of an annual amount equal to statutory sick pay, statutory maternity pay, statutory paternity pay and statutory adoption pay recovered by employers and others), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

**Commencement Information**

**I18** Sch. 1 para. 3 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 4 In section 4(1) of SSCBA 1992 (payments treated as remuneration and earnings), in paragraph (a), for sub-paragraphs (iii) and (iv) substitute—  
“(iii) ordinary statutory paternity pay;  
(iv) additional statutory paternity pay; or  
(v) statutory adoption pay; and”.

**Commencement Information**

**I19** Sch. 1 para. 4 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 5 In section 4C of SSCBA 1992 (power to make provision in consequence of provision made by or by virtue of section 4B(2)), in subsection (11), in the definition of “statutory payment”, for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

**Commencement Information**

**I20** Sch. 1 para. 5 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 6 In section 35 of SSCBA 1992 (state maternity allowance), in subsection (3)(a) (power by regulations to prescribe cases in which a woman is disqualified from receiving a maternity allowance), for sub-paragraph (i) substitute—  
“(i) during the maternity allowance period, except in prescribed cases, she does any work in employment as an employed or self-employed earner;  
(ia) during the maternity allowance period she fails without good cause to observe any prescribed rules of behaviour;  
or”.

**Commencement Information**

**I21** Sch. 1 para. 6 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

**I22** Sch. 1 para. 6 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

- 7 (1) Section 165 of SSCBA 1992 (the maternity pay period) is amended as follows.  
(2) For subsections (2) and (3) substitute—  
“(2) Subject to subsections (3) and (7), the maternity pay period shall begin with the 11th week before the expected week of confinement.

*Status: Point in time view as at 05/04/2015.*

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(3) Cases may be prescribed in which the first day of the period is to be a prescribed day after the beginning of the 11th week before the expected week of confinement, but not later than the day immediately following the day on which she is confined.”

(3) In subsection (4), at the beginning insert “ Except in such cases as may be prescribed, ”.

(4) After subsection (7) insert—

“(8) In subsections (1), (4) and (6) “week” means a period of seven days beginning with the day of the week on which the maternity pay period begins.”

#### Commencement Information

**I23** Sch. 1 para. 7 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

**I24** Sch. 1 para. 7 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

8 (1) Section 166 of SSCBA 1992 (rate of statutory maternity pay) is amended as follows.

(2) After subsection (1) insert—

“(1A) In subsection (1) “week” means any period of seven days.”

(3) After subsection (3) insert—

“(4) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of statutory maternity pay, the amount payable by way of statutory maternity pay for any day shall be taken as one seventh of the weekly rate.”

#### Commencement Information

**I25** Sch. 1 para. 8 in force at 1.10.2006 by S.I. 2006/1682, art. 3(e)

9 (1) Section 171 of SSCBA 1992 (interpretation of Part 12) is amended as follows.

(2) In subsection (1), omit the definition of “week”.

(3) After that subsection insert—

“(1A) In this Part, except section 165(1), (4) and (6), section 166(1) and paragraph 3(2) of Schedule 13, “week” means a period of 7 days beginning with Sunday or such other period as may be prescribed in relation to any particular case or class of case.”

#### Commencement Information

**I26** Sch. 1 para. 9 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

**I27** Sch. 1 para. 9 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

10 For the heading to Part 12ZA of SSCBA 1992 (statutory paternity pay), substitute “ ORDINARY AND ADDITIONAL STATUTORY PATERNITY PAY ”.

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

**Commencement Information**

**I28** Sch. 1 para. 10 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

<sup>F5</sup>11 .....

**Textual Amendments**

**F5** Sch. 1 para. 11 repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 7 para. 68; S.I. 2014/1640, art. 7(mm) (with art. 16)

12 In section 171ZA of SSCBA 1992 (entitlement: birth), in subsections (1) and (4), for “statutory paternity pay” substitute “ ordinary statutory paternity pay ”.

**Commencement Information**

**I29** Sch. 1 para. 12 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

13 In section 171ZB of SSCBA 1992 (entitlement: adoption), in subsections (1), (4) and (6), for “statutory paternity pay” substitute “ ordinary statutory paternity pay ”.

**Commencement Information**

**I30** Sch. 1 para. 13 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

14 In section 171ZC of SSCBA 1992 (entitlement: general), for “statutory paternity pay” (wherever occurring) substitute “ ordinary statutory paternity pay ”.

**Commencement Information**

**I31** Sch. 1 para. 14 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

15 (1) Section 171ZD of SSCBA 1992 (liability to make payments) is amended as follows.

(2) In subsection (1), after “payments of” insert “ ordinary ”.

(3) In subsection (2)—

(a) for “statutory paternity pay”, where first occurring, substitute “ ordinary statutory paternity pay ”, and

(b) for “liability for statutory paternity pay” substitute “ liability for ordinary statutory paternity pay or additional statutory paternity pay (or both) ”.

**Commencement Information**

**I32** Sch. 1 para. 15 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

16 (1) Section 171ZE of SSCBA 1992 (rate and period of statutory paternity pay) is amended as follows.

(2) For “statutory paternity pay”, wherever occurring, substitute “ ordinary statutory paternity pay ”.

*Status: Point in time view as at 05/04/2015.*

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(3) After subsection (10) insert—

“(10A) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of ordinary statutory paternity pay, the amount payable by way of ordinary statutory paternity pay for any day shall be taken as one seventh of the weekly rate.”

#### Commencement Information

- I33** Sch. 1 para. 16(1) in force at 1.10.2006 for specified purposes by S.I. 2006/2232, art. 2(b)
- I34** Sch. 1 para. 16(1) in force at 6.4.2010 for specified purposes by S.I. 2010/495, art. 4(d)
- I35** Sch. 1 para. 16(2) in force at 6.4.2010 by S.I. 2010/495, art. 4(d)
- I36** Sch. 1 para. 16(3) in force at 1.10.2006 by S.I. 2006/2232, art. 2(c)

F617 .....

#### Textual Amendments

- F6** Sch. 1 para. 17 repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 7 para. 68; S.I. 2014/1640, art. 7(mm) (with art. 16)

18 In section 171ZF of SSCBA 1992 (restrictions on contracting out), in subsection (2), for “statutory paternity pay” substitute “ ordinary statutory paternity pay or additional statutory paternity pay ”.

#### Commencement Information

- I37** Sch. 1 para. 18 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

F719 .....

#### Textual Amendments

- F7** Sch. 1 para. 19 repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 7 para. 68; S.I. 2014/1640, art. 7(mm) (with art. 16)

20 (1) Section 171ZJ of SSCBA 1992 (Part 12ZA: supplementary) is amended as follows.  
(2) In subsection (5), for “section 171ZE” substitute “ sections 171ZE and 171ZEE ”.  
(3) In subsection (10)(f), for “statutory paternity pay” substitute “ ordinary statutory paternity pay or additional statutory paternity pay ”.

#### Commencement Information

- I38** Sch. 1 para. 20 in force at 3.3.2010 by S.I. 2010/495, art. 3(e)

21 (1) Section 171ZN of SSCBA 1992 (rate and period of statutory adoption pay) is amended as follows.

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

(2) At the beginning of subsection (3) insert “ Except in such cases as may be prescribed, ”.

(3) After subsection (6) insert—

“(6A) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of statutory adoption pay, the amount payable by way of statutory adoption pay for any day shall be taken as one seventh of the weekly rate.”

**Commencement Information**

**I39** Sch. 1 para. 21 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

**I40** Sch. 1 para. 21 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

<sup>F8</sup>22 .....

**Textual Amendments**

**F8** Sch. 1 para. 22 repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 7 para. 68; S.I. 2014/1640, art. 7(mm) (with art. 16)

23 In Schedule 13 to SSCBA 1992 (relationship of statutory maternity pay with benefits and other payments etc.), in paragraph 3 (contractual remuneration), after sub-paragraph (2) insert—

“(2A) In sub-paragraph (2) “week” means a period of seven days beginning with the day of the week on which the maternity pay period begins.”

**Commencement Information**

**I41** Sch. 1 para. 23 in force at 1.10.2006 by S.I. 2006/1682, art. 3(e)

*Social Security Administration Act 1992 (c. 5)*

24 In section 5 of the Social Security Administration Act 1992 (regulations about claims for and payments of benefit) in subsection (5) for “statutory paternity pay” substitute “ , ordinary statutory paternity pay, additional statutory paternity pay ”.

**Commencement Information**

**I42** Sch. 1 para. 24 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

25 In section 122AA(1) of the Social Security Administration Act 1992 (disclosure of contributions information by Her Majesty's Revenue and Customs), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

**Commencement Information**

**I43** Sch. 1 para. 25 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 26 In section 150 of the Social Security Administration Act 1992 (annual up-rating of benefits), in subsection (1)(j), after “171ZE(1)” insert “, 171ZEE(1)”.

**Commencement Information**

**I44** Sch. 1 para. 26 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 27 In section 163(1) of the Social Security Administration Act 1992 (sums payable out of National Insurance Fund), in paragraph (d) for “or statutory paternity pay” substitute “, ordinary statutory paternity pay or additional statutory paternity pay”.

**Commencement Information**

**I45** Sch. 1 para. 27 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 28 (1) Section 165 of the Social Security Administration Act 1992 (adjustments between National Insurance Fund and Consolidated Fund) is amended as follows.
- (2) In subsection (1)(b) (adjustments in respect of the operation of legislation relating to statutory sick pay, statutory maternity pay, statutory paternity pay and statutory adoption pay), for sub-paragraphs (iii) and (iv) substitute—
- “(iii) ordinary statutory paternity pay;  
(iv) additional statutory paternity pay; and  
(v) statutory adoption pay.”
- (3) In subsection (5)(a) (adjustments in respect of certain administrative expenses of the Board), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

**Commencement Information**

**I46** Sch. 1 para. 28 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

*Employment Rights Act 1996 (c. 18)*

- 29 In section 27(1) of ERA 1996 (meaning of “wages” etc.), in paragraph (ca), for “statutory paternity pay” substitute “ ordinary statutory paternity pay or additional statutory paternity pay ”.

**Commencement Information**

**I47** Sch. 1 para. 29 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 30 In section 47C of ERA 1996 (leave for domestic and family reasons), in subsection (2), for paragraph (ca) substitute—
- “(ca) ordinary or additional paternity leave, or”.

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

**Commencement Information**

**I48** Sch. 1 para. 30 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

31 In section 71 of ERA 1996 (ordinary maternity leave), for subsection (3) substitute—

“(3) Regulations under subsection (2)—

- (a) shall secure that, where an employee has a right to leave under this section, she is entitled to an ordinary maternity leave period of at least 26 weeks;
- (b) may allow an employee to choose, subject to prescribed restrictions, the date on which an ordinary maternity leave period starts;
- (c) may specify circumstances in which an employee may work for her employer during an ordinary maternity leave period without bringing the period to an end.”

**Commencement Information**

**I49** Sch. 1 para. 31 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

**I50** Sch. 1 para. 31 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

32 In section 73 of ERA 1996 (additional maternity leave), for subsection (3) substitute—

“(3) Regulations under subsection (2)—

- (a) may allow an employee to choose, subject to prescribed restrictions, the date on which an additional maternity leave period ends;
- (b) may specify circumstances in which an employee may work for her employer during an additional maternity leave period without bringing the period to an end.”

**Commencement Information**

**I51** Sch. 1 para. 32 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

**I52** Sch. 1 para. 32 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

33 In section 75A of ERA 1996 (ordinary adoption leave), after subsection (2) insert—

“(2A) Regulations under subsection (2) may specify circumstances in which an employee may work for his employer during an ordinary adoption leave period without bringing the period to an end.”

**Commencement Information**

**I53** Sch. 1 para. 33 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

**I54** Sch. 1 para. 33 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

34 In section 75B of ERA 1996 (additional adoption leave), for subsection (3) substitute—

“(3) Regulations under subsection (2)—



*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

- (a) may allow an employee to choose, subject to prescribed restrictions, the date on which an additional adoption leave period ends;
- (b) may specify circumstances in which an employee may work for his employer during an additional adoption leave period without bringing the period to an end.”

**Commencement Information**

**I55** Sch. 1 para. 34 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

**I56** Sch. 1 para. 34 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

- 35 In the heading to section 80A of ERA 1996 (entitlement to paternity leave: birth), after “to” insert “ ordinary ”.

**Commencement Information**

**I57** Sch. 1 para. 35 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 36 In the heading to section 80B of ERA 1996 (entitlement to paternity leave: adoption), after “to” insert “ ordinary ”.

**Commencement Information**

**I58** Sch. 1 para. 36 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 37 In section 80D of ERA 1996 (special cases), in subsection (1) for “80A or 80B” substitute “ 80A, 80AA, 80B or 80BB ”.

**Commencement Information**

**I59** Sch. 1 para. 37 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

- 38 (1) Section 80E of ERA 1996 (Chapter 3: supplemental) is amended as follows.
- (2) For “section 80A or 80B”, wherever occurring, substitute “ any of sections 80A to 80BB ”.
- <sup>F9</sup>(3) .....

**Textual Amendments**

**F9** Sch. 1 para. 38(3) repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 7 para. 68; S.I. 2014/1640, art. 7(mm) (with art. 16)

**Commencement Information**

**I60** Sch. 1 para. 38 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

- 39 (1) Section 88 of ERA 1996 (employments with normal working hours) is amended as follows.
- (2) In subsection (1)(c), for “paternity leave” substitute “ ordinary or additional paternity leave ”.

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

- (3) In subsection (2), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

**Commencement Information**

**I61** Sch. 1 para. 39 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 40 (1) Section 89 of ERA 1996 (employments without normal working hours) is amended as follows.
- (2) In subsection (3)(b), for “paternity leave” substitute “ ordinary or additional paternity leave ”.
- (3) In subsection (4), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

**Commencement Information**

**I62** Sch. 1 para. 40 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 41 In section 99 of ERA 1996 (leave for family reasons), in subsection (3), for paragraph (ca) substitute—
- “(ca) ordinary or additional paternity leave, or”.

**Commencement Information**

**I63** Sch. 1 para. 41 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

- 42 In section 106 of ERA 1996 (replacements), in subsection (2)(a) after “adoption leave” insert “ or leave under section 80AA or 80BB (additional paternity leave) ”.

**Commencement Information**

**I64** Sch. 1 para. 42 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 43 In section 235 of ERA 1996 (other definitions), for the definition of “paternity leave” substitute—
- ““ordinary or additional paternity leave” means leave under any of sections 80A to 80BB.”.

**Commencement Information**

**I65** Sch. 1 para. 43 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

- 44 In section 236 of ERA 1996 (orders and regulations), in subsection (3) (affirmative procedure), for “80A, 80B, 80G” substitute “ 80A, 80AA, 80B, 80BB, 80G ”.

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

**Commencement Information**

**I66** Sch. 1 para. 44 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

*Finance Act 1997 (c. 16)*

**F10** 45 .....

**Textual Amendments**

**F10** Sch. 1 para. 45 repealed (8.5.2012) by Welfare Reform Act 2012 (c. 5), s. 150(2)(f), Sch. 14 Pt. 13

**Commencement Information**

**I67** Sch. 1 para. 45 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

*Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2)*

46 (1) Section 8 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (decisions by officers of Revenue and Customs) is amended as follows.

(2) In subsection (1)—

- (a) in paragraphs (f) and (g), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”, and
- (b) in paragraph (ga), for “statutory paternity or adoption pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay or statutory adoption pay ”.

(3) In subsection (3)(b), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

**Commencement Information**

**I68** Sch. 1 para. 46 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

47 In section 11(2)(a) of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (appeals against decisions of Her Majesty's Revenue and Customs), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

**Commencement Information**

**I69** Sch. 1 para. 47 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

48 In section 14 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (matters arising as respects decisions), in subsections (1)(a)(i) and (3), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

**Commencement Information**

**I70** Sch. 1 para. 48 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

*Finance Act 1999 (c. 16)*

**F11**49 .....

**Textual Amendments**

**F11** Sch. 1 para. 49 repealed (15.3.2015 being the date on which 1992 c. 7, Pt. 12ZC comes into force by virtue of S.R. 2015/86, art. 3(1)(d)) by *Children and Families Act 2014 (c. 6)*, s. 139(6), **Sch. 7 para. 68**; S.I. 2014/1640, art. 8(e)

**Commencement Information**

**I71** Sch. 1 para. 49 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

*Employment Act 2002 (c. 22)*

- 50 (1) Section 7 of the Employment Act 2002 (funding of employers' liabilities) is amended as follows.
- (2) In subsection (1), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.
- (3) In subsection (2), for “statutory paternity pay”, in both places, substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.
- (4) In subsection (3)—
- (a) for “a payment of statutory paternity pay” substitute “ a payment of ordinary statutory paternity pay, additional statutory paternity pay ”, and
  - (b) for “in the case of statutory paternity pay” substitute “ in the case of ordinary statutory paternity pay or additional statutory paternity pay ”.

**Commencement Information**

**I72** Sch. 1 para. 50 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

- 51 In section 8 of the Employment Act 2002 (regulations about payment), for “statutory paternity pay”, wherever occurring, substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

**Commencement Information**

**I73** Sch. 1 para. 51 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

- 52 In section 10 of the Employment Act 2002 (powers to require information), for “statutory paternity pay”, in both places, substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

**Commencement Information**

**I74** Sch. 1 para. 52 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

- 53 In section 11 of the Employment Act 2002 (penalties: failure to comply), in subsection (6), for “statutory paternity pay” substitute “ordinary statutory paternity pay, additional statutory paternity pay”.

**Commencement Information**

**I75** Sch. 1 para. 53 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 54 (1) Section 12 of the Employment Act 2002 (penalties: fraud etc.) is amended as follows.
- (2) In subsections (1) and (3), for “statutory paternity pay” substitute “ordinary statutory paternity pay”.
- (3) In subsections (2) and (4), after “statutory adoption pay” insert “or additional statutory paternity pay”.
- (4) In subsection (5), for “statutory paternity pay” substitute “ordinary statutory paternity pay”.

**Commencement Information**

**I76** Sch. 1 para. 54 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 55 In section 13 of the Employment Act 2002 (supply of information held by Commissioners for Her Majesty's Revenue and Customs), in subsection (1) for “statutory paternity pay” substitute “ordinary statutory paternity pay, additional statutory paternity pay”.

**Commencement Information**

**I77** Sch. 1 para. 55 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 56 In section 14 of the Employment Act 2002 (supply of information held by Secretary of State), for “statutory paternity pay”, in both places, substitute “ordinary statutory paternity pay, additional statutory paternity pay”.

**Commencement Information**

**I78** Sch. 1 para. 56 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 57 In section 15 of the Employment Act 2002 (use of information by the Commissioners), in subsection (2)—
- (a) in paragraph (a), after “to” insert “ordinary”, and
- <sup>F12</sup>(b) .....

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

#### Textual Amendments

**F12** Sch. 1 para. 57(b) repealed (15.3.2015 being the date on which 1992 c. 7, Pt. 12ZC comes into force by virtue of S.R. 2015/86, art. 3(1)(d)) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 68](#); [S.I. 2014/1640](#), art. 8(e)

#### Commencement Information

**I79** Sch. 1 para. 57 in force at 6.4.2010 by [S.I. 2010/495](#), art. 4(d)

58 In section 55(8) of the Employment Act 2002 (references to statutory paternity pay or statutory adoption pay to include statutory pay under corresponding Northern Ireland legislation), for “statutory paternity pay” substitute “ordinary statutory paternity pay, additional statutory paternity pay”.

#### Commencement Information

**I80** Sch. 1 para. 58 in force at 6.4.2010 by [S.I. 2010/495](#), art. 4(d)

#### *Proceeds of Crime Act 2002 (c. 29)*

- 59 (1) Section 323 of the Proceeds of Crime Act 2002 (functions) is amended as follows.
- (2) In subsection (1), for paragraph (g) substitute—
- “(g) ordinary statutory paternity pay;  
 (ga) additional statutory paternity pay;”.
- (3) In subsection (4), for paragraph (d) substitute—
- “(d) “ordinary statutory paternity pay” must be construed in accordance with sections 171ZA and 171ZB of that Act;  
 (da) “additional statutory paternity pay” must be construed in accordance with sections 171ZEA and 171ZEB of that Act;”.
- (4) In subsection (5)(d), for ““statutory paternity pay”” substitute ““ordinary statutory paternity pay” and “additional statutory paternity pay””.

#### Commencement Information

**I81** Sch. 1 para. 59 in force at 6.4.2010 by [S.I. 2010/495](#), art. 4(d)

#### *Income Tax (Earnings and Pensions) Act 2003 (c. 1)*

- 60 (1) Section 660 of the Income Tax (Earnings and Pensions) Act 2003 (taxable benefits: UK benefits) is amended as follows.
- (2) Table A in subsection (1) is amended in accordance with sub-paragraphs (3) to (5).
- (3) Before the entry relating to bereavement allowance insert—

“Additional statutory paternity pay

SSCBA 1992

Section 171ZEA or 171ZEB

*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

Any provision made for Northern Ireland which corresponds to section 171ZEA or 171ZEB of SSCBA 1992.”

(4) After the entry relating to jobseeker's allowance insert—

“Ordinary statutory paternity pay	SSCBA 1992	Section 171ZA or 171ZB
	Any provision made for Northern Ireland which corresponds to section 171ZA or 171ZB of SSCBA 1992.”	

(5) Omit the entry relating to statutory paternity pay.

(6) In subsection (2), for the words from “statutory adoption pay” to “statutory paternity pay” substitute—

“additional statutory paternity pay;  
ordinary statutory paternity pay;  
statutory adoption pay;  
statutory maternity pay;”.

**Commencement Information**

**I82** Sch. 1 para. 60 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

*Commissioners for Revenue and Customs Act 2005 (c. 11)*

61 In Schedule 1 to the Commissioners for Revenue and Customs Act 2005 (which lists former Inland Revenue matters), for paragraph 26 substitute—

“26 Ordinary statutory paternity pay.  
26A Additional statutory paternity pay.”

**Commencement Information**

**I83** Sch. 1 para. 61 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

SCHEDULE 2

Section 15

REPEALS

**Commencement Information**

**I84** Sch. 2 in force at 1.10.2006 for specified purposes by S.I. 2006/1682, art. 3(i)

**I85** Sch. 2 in force at 6.4.2007 for specified purposes by S.I. 2006/1682, art. 4(b)

**I86** Sch. 2 in force at 6.4.2010 for specified purposes by S.I. 2010/495, art. 4(e)

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*Status: Point in time view as at 05/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

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<b><i>Short title and chapter</i></b>	<b><i>Extent of repeal</i></b>
Social Security Contributions and Benefits Act 1992 (c. 4)	In section 171(1), the definition of “week”.
Employment Rights Act 1996 (c. 18)	Section 80F(3), (6) and (7).
Employment Act 2002 (c. 22)	Section 6(2)(a). Section 18. In Schedule 7, paragraphs 3, 26(3), 33(3), 48(2) and 49(3).
Income Tax (Earnings and Pensions) Act 2003 (c. 1)	In section 660, in Table A in subsection (1), the entry relating to statutory paternity pay.



**Status:**

Point in time view as at 05/04/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Work and Families Act 2006.