

2005 No. 358

TERM AND CONDITIONS OF EMPLOYMENT

**The Statutory Maternity Pay (General) and the Statutory
Paternity Pay and Statutory Adoption Pay (General)
(Amendment) Regulations 2005**

<i>Made</i> - - - -	<i>16th February 2005</i>
<i>Laid before Parliament</i>	<i>23rd February 2005</i>
<i>Coming into force</i> - -	<i>6th April 2005</i>

The Secretary of State, in exercise of the powers conferred on her by sections 164(9)(c), 171(1), 171ZC(3)(d), 171ZJ(1), 171ZL(8)(d), 171ZS(1) and 175(1) of the Social Security Contributions and Benefits Act 1992(a), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it (b), hereby makes the following Regulations:

Citation and commencement

1. The Regulations may be cited as the Statutory Maternity Pay (General) and Statutory Paternity Pay and Statutory Adoption Pay (General) (Amendment) Regulations 2005 and shall come into force on 6th April 2005.

Application

2. The amendments to the Statutory Maternity Pay (General) Regulations 1986 and the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 provided for by regulations 3 and 4 have effect only in relation to a reinstatement or re-engagement of employment occurring on or after 6th April 2005.

Amendment of the Statutory Maternity Pay (General) Regulations 1986

3.—(1) The Statutory Maternity Pay (General) Regulations 1986(c) shall be amended as follows.

(2) In regulation 12(1) (continuous employment and unfair dismissal) after paragraph (c) there shall be inserted the following —

“or

(a) 1992 c.4; sections 171ZC and 171ZJ were inserted by section 2 of the Employment Act 2002 (c.22) and sections 171ZL and 171ZS were inserted by section 4 of that Act; sections 171(1), 171ZJ(1) and 171ZS(1) are cited for the definition of “prescribed”. Section 175(1) was amended by section 2 and paragraph 29(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(b) See section 173(1)(b) of the Social Security Administration Act 1992 (c.5).

(c) S.I. 1986/1960 to which there are amendments not relevant to these Regulations.

- (d) of a decision arising out of the use of a statutory dispute resolution procedure contained in Schedule 2 to the Employment Act 2002^(a) in a case where, in accordance with the Employment Act 2002 (Dispute Resolution) Regulations 2004^(b), such a procedure applies.”.

Amendment of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002

4.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002^(c) shall be amended as follows.

(2) In regulation 34(1) (continuous employment and unfair dismissal) the word “or” at the end of paragraph (b) shall be omitted and after paragraph (c) there shall be inserted the following —

“or

- (d) of a decision arising out of the use of a statutory dispute resolution procedure contained in Schedule 2 to the Employment Act 2002 in a case where, in accordance with the Employment Act 2002 (Dispute Resolution) Regulations 2004, such a procedure applies.”.

Gerry Sutcliffe
Parliamentary Under Secretary for Employment
Relations, Competition and Consumers,
Department of Trade and Industry

16th February 2005

(a) 2002 c.22.

(b) S.I. 2004/752.

(c) S.I. 2002/2822 to which there are amendments not relevant to these regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend provisions in two statutory instruments relating to statutory maternity pay, statutory paternity pay and statutory adoption pay. The amendments have effect in relation to reinstatements or re-engagements of employment occurring on or after 6th April 2005.

Regulation 3 amends regulation 12 of the Statutory Maternity Pay (General) Regulations 1986 so as to provide for continuity of employment in respect of a dismissal where a person commences a statutory dispute resolution procedure and as a consequence of that procedure is reinstated or re-engaged by her employer.

Regulation 4 amends regulation 34 of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 so as to provide for continuity of employment in respect of a dismissal where a person commences a statutory dispute resolution procedure and as a consequence of that procedure is reinstated or re-engaged by his employer.

These regulations impose minimal costs on employers.

2005 No. 358

TERM AND CONDITIONS OF EMPLOYMENT

**The Statutory Maternity Pay (General) and the Statutory
Paternity Pay and Statutory Adoption Pay (General)
(Amendment) Regulations 2005**

£3.00

© Crown copyright 2005

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0280 3/2005 150280T 19585

ISBN 0-11-072291-4



9 780110 722917