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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Statutory Maternity Pay (General) Regulations 1986 (“the principal Regulations”).

Regulation 2 amends regulation 1 of the principal Regulations by inserting a definition of statutory maternity leave.

Regulation 3 amends regulation 21 of the principal Regulations to include in normal weekly earnings for the purpose of calculating entitlement to statutory maternity pay any pay increase which applies to the whole or any part of the period between the beginning of the period when pay is calculated to determine entitlement to statutory maternity pay and the end of the period of statutory maternity leave.

Regulation 4 substitutes regulation 21B of the principal Regulations. The substituted regulation provides that where a woman is entitled to statutory maternity pay in consequence of a pay increase referred to in regulation 21(7) of the principal Regulations, the employer shall only make payments of statutory maternity pay in any week if, and to the extent by which, her statutory maternity pay exceeds any maternity allowance received by her.

The effect of regulation 3 will be to increase costs to business. An assessment of the costs to business of complying with these Regulations has been placed in the libraries of both Houses of Parliament. Copies can be obtained by post from the Department for Work and Pensions, 1-11 John Adam Street, London WC2N 6HT or electronically from [www.dwp.gov.uk](http://www.dwp.gov.uk).