

**2006 No. 2236**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Statutory Paternity Pay and Statutory Adoption Pay  
(General) and the Statutory Paternity Pay and Statutory  
Adoption Pay (Weekly Rates) (Amendment) Regulations 2006**

<i>Made</i> - - - -	<i>14th August 2006</i>
<i>Laid before Parliament</i>	<i>17th August 2006</i>
<i>Coming into force</i> - -	<i>1st October 2006</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred upon him by sections 171ZE(10A) and 171ZN(2), (3) and (6A) of the Social Security Contributions and Benefits Act 1992(a) and section 5(1)(l) of the Social Security Administration Act 1992(b).

This instrument contains only regulations made by virtue of, or consequential upon, the Work and Families Act 2006 and is made before the end of the period of 6 months beginning with the coming into force of that enactment(c).

**Citation and Commencement**

1.—(1) These Regulations may be cited as the Statutory Paternity Pay and Statutory Adoption Pay (General) and the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) (Amendment) Regulations 2006 and shall come into force on 1st October 2006.

**Application**

2. The amendments to the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002(d) and the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002(e) provided for by regulations 4 to 7 apply in relation to an entitlement to—

- (a) statutory paternity pay (birth) in respect of children whose expected week of birth begins on or after 1st April 2007;

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(a) 1992 (c.4) Part 12ZA of the Social Security Contributions and Benefits Act 1992 was inserted by section 2 of the Employment Act 2002 (c.22). Part 12ZB of the Social Security Contributions and Benefits Act 1992 was inserted by section 4 of the Employment Act 2002. Section 171ZE was amended by paragraph 16 of Schedule 1 to the Work and Families Act 2006 (c.18). Section 171ZN was amended by section 2 of and paragraph 21 of Schedule 1 to the Work and Families Act 2006 (c.18).

(b) 1992 (c.5) Section 5(1)(l) of the Social Security Administration Act 1992 was derived from section 51 of the Social Security Act 1986. Section 5(1)(l) of the Social Security Administration Act 1992 applies to statutory paternity pay and statutory adoption pay by virtue of section 5(5) of that Act, which was amended by section 53 of and paragraphs 8 and 11 of Schedule 7 to the Employment Act 2002 (c.22). Further amendments have been made to section 5 which are not relevant to these Regulations.

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

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

(e) S.I. 2002/2818 to which there are amendments not relevant to these Regulations.

- (b) statutory paternity pay (adoption) and statutory adoption pay in respect of children expected to be placed for adoption, where the placement is expected to occur on or after 1st April 2007.

**Amendments to the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002**

3. The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 shall be amended as follows.

- 4. In regulation 21 (adoption pay period), in paragraph (5), for “26” substitute “39”.
- 5. After regulation 27 (cases where there is no liability to pay statutory adoption pay) insert—

**“Working for not more than 10 days during an adoption pay period**

**27A.** In the case where an employee does any work under a contract of service with his employer on any day for not more than 10 such days during his adoption pay period, whether consecutive or not, statutory adoption pay shall continue to be payable to the employee by the employer.”

**Amendment to the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002**

6. The Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002 shall be amended as follows.

- 7. For regulation 4 (rounding of fractional amounts) substitute—

**“4.** Where any payment of—

- (a) statutory paternity pay is made on the basis of a calculation at—
  - (i) the weekly rate specified in regulation 2(b); or
  - (ii) the daily rate of one-seventh of the weekly rate specified in regulation 2(a) or (b); or
- (b) statutory adoption pay is made on the basis of a calculation at—
  - (i) the weekly rate specified in regulation 3(b); or
  - (ii) the daily rate of one-seventh of the weekly rate specified in regulation 3(a) or (b),

and that amount includes a fraction of a penny, the payment shall be rounded up to the next whole number of pence.”

14th August 2006

*Jim Fitzpatrick*  
Parliamentary Under Secretary of State for Employment Relations  
Department of Trade and Industry

## **EXPLANATORY NOTE**

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

These Regulations amend the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 (S.I. 2002/2822) (“the General Regulations”) and the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002 (S.I. 2002/2818) (“the Weekly Rates Regulations”)

Regulation 4 amends Regulation 21 of the General Regulations and establishes that the adoption pay period is 39 consecutive weeks.

Regulation 5 inserts a new Regulation 27A into the General Regulations, providing that statutory adoption pay shall continue to be paid where an employee works for his employer for not more than 10 days within the adoption pay period.

Regulation 7 substitutes a new Regulation 4 into the Weekly Rates Regulations, and allows for payments of statutory adoption pay and statutory paternity pay for a week or part of a week to be rounded up to the next penny.

A Regulatory Impact Assessment of the costs and benefits of these Regulations to business has been placed in the libraries of both Houses of Parliament. Copies are available to the public from the Employment Relations Directorate, 1 Victoria Street, London SW1H 0ET and are also available on the Directorate’s website at [www.dti.gov.uk/files/file31573.pdf](http://www.dti.gov.uk/files/file31573.pdf).

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