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## STATUTORY INSTRUMENTS

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### 2014 No. 3255

#### The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014

##### **Employment and Support Allowance Regulations 2013**

- 30.**—(1) The Employment and Support Allowance Regulations 2013<sup>(1)</sup> are amended as follows.
- (2) Omit regulation 75 (effect of additional statutory paternity pay on employment and support allowance).
- (3) After regulation 75 insert—

##### **“Effect of statutory shared parental pay on an employment and support allowance**

**75A.**—(1) This regulation applies where—

- (a) a claimant is entitled to statutory shared parental pay and, on the day immediately preceding the first day in the shared parental pay period the claimant—
- (i) is in a period of limited capability for work; and
  - (ii) satisfies the conditions of entitlement to an employment and support allowance in accordance with section 1(2)(a) of the Act; and
- (b) on any day during the statutory shared parental pay period—
- (i) that claimant is in a period of limited capability for work; and
  - (ii) that day is not a day where that claimant is treated as not having limited capability for work.

(2) Where this regulation applies, notwithstanding section 20(6) of the Act, a claimant who is entitled to statutory shared parental pay is to be entitled to an employment and support allowance in respect of any day that falls within the shared parental pay period.

(3) Where by virtue of paragraph (2) a person is entitled to an employment and support allowance for any week (including part of a week), the total amount of such benefit payable to that claimant for that week is to be reduced by an amount equivalent to any statutory shared parental pay to which that claimant is entitled in accordance with Part 12ZC of the Contributions and Benefits Act for the same week (or equivalent part of a week where entitlement to an employment and support allowance is for part of a week), and only the balance, if any, of the employment and support allowance is to be payable to that claimant.

(4) In this regulation “statutory shared parental pay period” means the weeks in respect of which statutory shared parental pay is payable to a person under section 171ZY(2) of the Social Security Contributions and Benefits Act 1992.”.

- (4) In regulation 80 (earnings of employed earners)—
- (a) in paragraph (2)(b)—

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

**Changes to legislation:** There are currently no known outstanding effects for the The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014, Section 30. (See end of Document for details)

- (i) after “paternity leave” for “or” substitute “;”;
  - (ii) after “Employment Rights Act 1996” insert “, shared parental leave under section 75E or 75G of that Act”.
- (b) in paragraph (4), in the definition of “paternity leave”—
- (i) omit “ordinary”;
  - (ii) omit “or on additional paternity leave by virtue of section 80AA or 80BB of that Act”.

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**Commencement Information**

- I1** Art. 30(1)(3)(4)(a) in force at 31.12.2014, see **art. 1(2)**
- I2** Art. 30(2)(4)(b) in force at 5.4.2015, see **art. 1(3)**

**Status:**

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

**Changes to legislation:**

There are currently no known outstanding effects for the The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014, Section 30.