
STATUTORY INSTRUMENTS

2024 No. 121

The Statutory Paternity Pay (Amendment) Regulations 2024

PART 3

Amendments to the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (No. 2) Regulations 2003

- 17.** The Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (No. 2) Regulations 2003⁽¹⁾ are amended in accordance with regulations 18 to 20.
- 18.** In regulation 3(3), for “17 to 19” substitute “18, 19”.
- 19.** For regulations 6 to 9 substitute—

“Options in respect of periods of payment of statutory paternity pay (adoption) in respect of adoptions from overseas

6.—(1) Within the qualifying period set out in regulation 6A, a person entitled to statutory paternity pay (adoption) may choose the statutory paternity pay period to begin on—

- (a) the date on which the child enters Great Britain or, where the person is at work on that day, the following day; or
 - (b) a predetermined date, specified by the person, which is later than the date on which the child is expected to enter Great Britain.
- (2) A person may choose for statutory paternity pay (adoption) to be paid in respect of—
- (a) a single period of either one week or two weeks, or
 - (b) two non-consecutive periods of a week each.

Qualifying period for statutory paternity pay (adoption) in respect of adoptions from overseas

6A. Subject to regulation 11A, the qualifying period for the purposes of section 171ZE(3) of the Act (period within which a period of payment of statutory paternity pay must occur) is a period of 52 weeks beginning with the date on which the child enters Great Britain.

Notice and evidence requirements for statutory paternity pay (adoption) in respect of adoptions from overseas

- 6B.—(1)** A person must provide evidence of entitlement to statutory paternity pay (adoption) by providing in writing to whoever will be liable to pay it—
- (a) the information specified in paragraph (2), and

(1) [S.I. 2003/1194](#), which applies the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002, with modifications, to adoptions from overseas.

- (b) the declarations specified in paragraph (3).
- (2) The information referred to in paragraph (1)(a) is as follows—
 - (a) the name of the person claiming statutory paternity pay (adoption);
 - (b) the date on which the adopter of the child received an official notification;
 - (c) the date on which the child is expected to enter Great Britain or, where the child has already entered Great Britain, the date of that entry.
- (3) The declarations referred to in paragraph (1)(b) are declarations in writing that—
 - (a) the person satisfies the conditions prescribed in regulation 5(1);
 - (b) the adopter of the child has received an official notification in relation to the child;
 - (c) the person has elected to receive statutory paternity pay (adoption), and not statutory adoption pay under Part 12ZB of the Act;
 - (d) section 171ZE(4) of the Act does not apply.
- (4) The information referred to in paragraph (2) and the declarations referred to in subparagraphs (a), (b) and (c) of paragraph (3) must be provided—
 - (a) no more than 28 days after whichever is the later of—
 - (i) the date on which the adopter of the child receives the official notification, or
 - (ii) the date on which the person completes 26 weeks' continuous employment with the employer, or
 - (b) in a case where it was not reasonably practicable for the person to provide it in that period, as soon as is reasonably practicable.
- (5) The notice provided for in section 171ZC(1) of the Act (notice to be given stating the week or weeks in respect of which payments are to be made) must be given to whoever will be liable to pay statutory paternity pay (adoption) at least 28 days before—
 - (a) the date provided under paragraph (2)(c) above as the date on which the child is expected to enter Great Britain, where the option in regulation 6(1)(a) is chosen;
 - (b) the predetermined date, where the option in regulation 6(1)(b) is chosen;or, if it is not reasonably practicable to do so, as soon as is reasonably practicable.
- (6) On each occasion that a notice is provided under paragraph (5), the declaration referred to in paragraph (3)(d) must be provided at the same time.
- (7) Where notice has previously been given under paragraph (5) or this paragraph or under regulation 7(1), a notice of variation in writing may be given to the person who will be liable to pay statutory paternity pay which—
 - (a) cancels the period of statutory paternity pay specified in that notice, or
 - (b) varies that period by choosing an option under regulation 6.
- (8) Where the notice under paragraph (5) specifies a period of two weeks in respect of which statutory paternity pay is to be paid, notice of variation may be given in relation to either one or both of those weeks, regardless of whether those weeks are consecutive or non-consecutive.
- (9) A notice of variation under paragraph (7) must be given by whichever is the earlier of at least 28 days before—
 - (a) the original day or date referred to in paragraph (10)(a), or
 - (b) the new day or date referred to in paragraph (10)(b),or, if it is not reasonably practicable to do so, as soon as is reasonably practicable.

(10) For the purposes of—

- (a) paragraph (9)(a), where a notice has previously been given under either paragraph (5) or (7), the original day or date is—
 - (i) the date referred to in paragraph (5)(a), where the option in regulation 6(1)(a) was chosen in that notice;
 - (ii) the predetermined date specified in that notice where the option in regulation 6(1)(b) was chosen in that notice,
- (b) paragraph (9)(b), the new day or date is—
 - (i) the date referred to in paragraph (5)(a), where the option in regulation 6(1)(a) is chosen in the notice of variation;
 - (ii) the predetermined date specified in the notice of variation, where the option in regulation 6(1)(b) is chosen.

(11) The person who is entitled to statutory paternity pay (adoption) must inform the person who is liable to pay it of the date on which the child enters Great Britain, as soon as reasonably practicable after that date, unless that information has already been provided.

Additional notice requirements for statutory paternity pay (adoption) in relation to adoptions from overseas

7.—(1) In a case where—

- (a) a person has given notice in accordance with regulation 6B(5)(b), and
- (b) the child has not entered Great Britain on or before that date,

the person must vary the date on which the period of payment is to begin by giving notice to the person liable to pay statutory paternity pay (adoption), as soon as is reasonably practicable, that the period in respect of which statutory paternity pay is to be paid will begin on a date different from that originally chosen.

(2) That date may be any date chosen in accordance with paragraph (1) of regulation 6.

(3) Where a notice is given under regulation 6B(7) or paragraph (1) above which varies the dates of a period of payment, a declaration under regulation 6B(3)(d) in relation to that period must be given at the same time as that notice.

(4) Paragraph (1) does not apply in circumstances where regulation 11A(5) applies.”.

20. After regulation 11 insert—

“Change in circumstances

11A.—(1) This regulation applies where a person is otherwise entitled to statutory paternity pay (adoption) in respect of a child but a relevant event, as specified in paragraph (2), occurs.

(2) A relevant event as referred to in paragraph (1) occurs when—

- (a) the child ceases to live with the adopter, or
- (b) the child dies.

(3) In a case where this regulation applies, the qualifying period for the purposes of section 171ZE(3) of the Act (period within which a period of payment of statutory paternity pay must occur) ends after the end of a period of eight weeks following the end of the relevant week specified in paragraph (4), except in the circumstances mentioned in paragraph (5).

(4) The relevant week referred to in paragraph (3) is—

(a) in a case falling within paragraph (2)(a), the week during which the child ceases to live with the adopter;

(b) in a case falling within paragraph (2)(b), the week during which the child dies.

(5) Where the person has complied with the requirements in regulation 6B (notice and evidential requirements for statutory paternity pay (adoption)), the person will remain entitled to payment in respect of any period of payment which has been specified in a notice given, before the day on which the relevant event occurs, under that regulation.

(6) Where paragraph (5) applies, no further notices may be served under regulation 6B other than a notice to cancel a period of payment specified in a notice already given under regulations 6B or 7.

(7) In paragraph (4), “week” means the period of seven days beginning with Sunday.

Work during a period of payment of statutory paternity pay

11B.—(1) Where a person (P) works for an employer falling within paragraph (a), but not paragraph (b), of regulation 10, for any part of a period which has been specified by P in a notice under regulation 6B or 7, P must notify the person liable to pay statutory paternity pay of the fact of that work within seven days of the first day during which the person does such work.

(2) The notification mentioned in paragraph (1) must be in writing, if the person who has been liable to pay statutory paternity pay so requests.”.