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STATUTORY INSTRUMENTS

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**2024 No. 121**

**The Statutory Paternity Pay (Amendment) Regulations 2024**

**PART 2**

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

**9. For regulations 5A to 9 substitute—**

**“Options in respect of periods of payment of statutory paternity pay (birth)**

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

- (a) the date on which the child is born or, where the person is at work on that day, the following day;
  - (b) the date falling such number of days after the date on which the child is born as the person may specify;
  - (c) a predetermined date, specified by the person, which is later than the first day of the expected week of the child’s birth.
- (2) A person may choose for statutory paternity pay (birth) 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 (birth)**

**6A.** Subject to regulation 16A, 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 which begins on the date of the child’s birth and ends—

- (a) except in the case referred to in sub-paragraph (b), 52 weeks after that date, or
- (b) in a case where the child is born before the first day of the expected week of its birth, 52 weeks after that day.

**Notice and evidence requirements for statutory paternity pay (birth)**

**6B.—(1)** A person must provide evidence of entitlement to statutory paternity pay (birth) by providing in writing to whoever will be liable to pay it—

- (a) the information specified in paragraph (2), and
  - (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 (birth);

- (b) the expected week of the child's birth.
- (3) The declarations referred to in paragraph (1)(b) are—
  - (a) a declaration that the person satisfies the conditions prescribed in regulation 4, and
  - (b) a declaration that section 171ZE(4) of the Act does not apply.
- (4) The information referred to in paragraph (2) and the declaration referred to in paragraph (3)(a) must be provided—
  - (a) in or before the 15th week before the expected week of the child's birth, 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 (birth) at least 28 days before—
  - (a) the first day of the expected week of the child's birth, where the option in regulation 6(1)(a) is chosen;
  - (b) the date falling the specified number of days after the first day of the expected week of the child's birth, where the option in regulation 6(1)(b) is chosen;
  - (c) the predetermined date, where the option in regulation 6(1)(c) 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 given under paragraph (5), the declaration referred to in paragraph (3)(b) must be provided at the same time.
- (7) Where a notice has previously been given under paragraph (5) or this paragraph, or under regulation 7(2), 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 payment 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 first day of the expected week of the child's birth, where the option in regulation 6(1)(a) was chosen in that notice;
    - (ii) the specified number of days after the first day of the expected week of the child's birth, where the option in regulation 6(1)(b) was chosen in that notice;
    - (iii) the predetermined date specified in that notice, where the option in regulation 6(1)(c) was chosen;

(b) paragraph (9)(b), the new day or date is—

- (i) the first day of the expected week of the child’s birth, where the option in regulation 6(1)(a) is chosen in the notice of variation;
- (ii) the date falling the specified number of days after the first day of the expected week of the child’s birth, where the option in regulation 6(1)(b) is chosen in the notice of variation;
- (iii) the predetermined date specified in that notice, where the option in regulation 6(1)(c) is chosen in the notice of variation.

(11) The person who is entitled to statutory paternity pay (birth) must inform the person who is liable to pay it of the date of the child’s birth if—

- (a) that person so requests, and
- (b) that date has not previously been provided to that person,

within 28 days of the request, or as soon as is reasonably practicable thereafter.

**Additional notice requirements for statutory paternity pay (birth)**

7.—(1) Where a person has given notice in accordance with regulation 6B(5)(a) or (b), the person must give further notice to the person liable to pay statutory paternity pay, as soon as is reasonably practicable after the child’s birth, of the date the child was born.

(2) In a case where—

- (a) a person has given notice in accordance with regulation 6B(5)(c), and
- (b) the date of the child’s birth is later than the date specified in that notice as the date on which a period of payment is to begin,

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 (birth), 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.

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

(4) Where a notice is given under regulation 6B(7) or paragraph (2) above which varies the dates of a period of payment, a declaration under regulation 6B(3)(b) in relation to that period must be given at the same time as that notice.

(5) Paragraph (2) does not apply in circumstances where regulation 16A(5) applies.”.