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STATUTORY INSTRUMENTS

2024 No. 843

TERMS AND CONDITIONS OF EMPLOYMENT

The Statutory Paternity Pay and Statutory Adoption Pay (Parental Orders and Prospective Adopters) (Amendment) Regulations 2024

<i>Made - - - -</i>	<i>30th July 2024</i>
<i>Laid before Parliament</i>	<i>31st July 2024</i>
<i>Coming into force - -</i>	<i>26th August 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 171ZC(1A) and (3)(c), 171ZE(2) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations need not be referred to it(b).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Statutory Paternity Pay and Statutory Adoption Pay (Parental Orders and Prospective Adopters) (Amendment) Regulations 2024.

(2) These Regulations come into force on 26th August 2024.

(3) These Regulations extend to England and Wales and Scotland.

Interpretation

2. In these Regulations, the “2014 Regulations” means the Statutory Paternity Pay and Statutory Adoption Pay (Parental Orders and Prospective Adopters) Regulations 2014(c).

Application

3. The amendments made by regulation 5(2) and (3) apply only in relation to children whose expected week of birth begins after 28th September 2024.

(a) 1992 c. 4. Sections 171ZC and 171ZE are contained in Part 12ZA, which was inserted by the Employment Act 2002 (c. 22), section 2. Part 12ZA has been applied with modifications to parental order cases by S.I. 2014/2866. Section 171ZC(1A) was inserted by the Children and Families Act 2014 (c. 6), section 123. Section 171ZE(2) was amended by the Children and Families Act 2014 (c. 6), Schedule 7, paragraph 16. Section 175(1) and (4) have been amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 3, paragraph 29.

(b) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

(c) S.I. 2014/2934.

Amendment to regulation 11 of the 2014 Regulations

4. In regulation 11 of the 2014 Regulations(a), omit paragraph (b).

Amendments to regulation 14 of the 2014 Regulations

5.—(1) Regulation 14 of the 2014 Regulations(b) is amended as follows.

(2) For paragraph (ca) substitute—

“(ca) paragraph (5) shall apply as if—

(i) in the opening words, after “statutory paternity pay (adoption)” the words “at least 28 days before” were inserted;

(ii) sub-paragraphs (a) and (b) were omitted and replaced by—

“(a) the first day of the expected week of the child’s birth, where the option in regulation 12(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 12(1)(b) is chosen;

(c) the predetermined date, where the option in regulation 12(1)(c) is chosen;

or, in a case where it was not reasonably practicable for the person to provide it in that period, as soon as is reasonably practicable.”;”.

(3) In paragraph (cb), for “the date referred to in paragraph (5)(a)”, substitute “the date provided under paragraph (2)(c) above as the date on which the child is expected to be placed for adoption”.

(4) In paragraph (d), before “birth” insert “child’s”.

30th July 2024

Justin Madders
Parliamentary Under Secretary of State
Department for Business and Trade

(a) Regulation 11 was amended by S.I. 2018/1413 and 2024/121.

(b) Regulation 14 was amended by S.I. 2018/1413 and 2024/121.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations correct drafting errors in the amendments that were made to the Statutory Paternity Pay and Statutory Adoption Pay (Parental Orders and Prospective Adopters) Regulations 2014 (“the 2014 Regulations”) by the Statutory Paternity Pay (Amendment) Regulations 2024.

The 2014 Regulations apply, with modifications, the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 to ‘parental order parents’ (those who have applied or intend to apply for a parental order under the Human Fertilisation and Embryology Act 2008).

Regulation 4 amends regulation 11 of the 2014 Regulations so that a parental order parent may choose for statutory paternity pay (adoption) to be paid in respect of two non-consecutive weeks or in respect of a single period of one or two weeks.

Regulation 5 amends regulation 14 of the 2014 Regulations to provide the timescales for giving notice stating the week or weeks in respect of which payments of statutory paternity pay (adoption) are to be made and the timescales for varying that notice.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

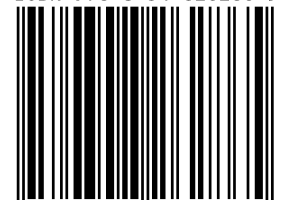
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£5.78

<http://www.legislation.gov.uk/id/uksi/2024/843>

ISBN 978-0-34-826286-5



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