

SCHEDULE

STATUTORY SHARED PARENTAL PAY IN SPECIAL CIRCUMSTANCES

PART 1

STATUTORY SHARED PARENTAL PAY (BIRTH)

Notification and variation: death of mother or partner after curtailment

2.—(1) In the case where—

- (a) P, who in connection with a claim by M would be required to satisfy the conditions specified in regulation 4(3), dies after M has reduced her maternity allowance period in respect of C under section 35(3A) of the 1992 Act or her maternity pay period in respect of C under section 161(3A) of the 1992 Act; and
- (b) before P dies M has not given the notices and information specified in regulation 6 (notice and evidential requirements relating to the mother),

then these Regulations apply in respect of any period after P dies, subject to the modifications in the following provisions of this paragraph.

(2) In regulation 6 (notification and evidential requirements relating to the mother)—

(a) paragraph (1)(a) shall apply as if it read—

“(a) paragraphs (2) and (3) at least 8 weeks before the beginning of the first period specified by M pursuant to paragraph (2)(d) or where it is not reasonably practicable for M to satisfy this requirement as soon as reasonably practicable after the death of P, but in any event before that period;”;

(b) paragraph (1)(b) and (c) shall not apply;

(c) in paragraph (2)—

(i) sub-paragraph (a) shall apply as if the words “disregarding any intention of P to claim statutory shared parental pay in respect of C” were omitted;

(ii) sub-paragraph (c) shall not apply;

(d) in paragraph (3)—

(i) sub-paragraph (a) shall not apply;

(ii) sub-paragraph (d) shall apply as if it read—

“(d) M’s name, P’s name and national insurance number (where this number is known to M), P’s address immediately before P died and the date of P’s death”;

(e) paragraph (4) shall not apply.

(3) In regulation 8 (variation)—

(a) paragraph (2)(a) shall apply as if it read—

“(a) of the number of weeks during which M and P have exercised, and the number of weeks M intends to exercise, an entitlement to statutory shared parental pay (birth) in respect of C”;

(b) paragraph (2)(b) shall not apply.

(4) In regulation 10 (extent of entitlement)—

Status: This is the original version (as it was originally made).

- (a) paragraph (1)(b)(i) shall apply as if the words “P has notified P’s intention to claim” to the end read “the number of weeks in which P claimed statutory shared parental pay (birth) in respect of C up to the time of P’s death.”;
- (b) paragraph (7) shall apply as if the words “the last day of the latest period so notified” were “the time of P’s death”.