

*Draft Regulations laid before Parliament under section 176(1)(a) of the Social Security Contributions and Benefits Act 1992 for approval by resolution by each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2002 No.**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Statutory Paternity Pay and Statutory  
Adoption Pay (Weekly Rates) Regulations 2002**

*Made* - - - - 2002  
*Coming into force* - - 8th December 2002

Whereas a draft of the following Regulations was laid before Parliament in accordance with section 176(1)(a) of the Social Security Contributions and Benefits Act 1992(1) and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on her by sections 171ZE(1) and 171ZN(1) of the Social Security Contributions and Benefits Act 1992(2) and section 5(1)(l) of the Social Security Administration Act 1992(3), by this instrument, which contains only provision made by virtue of sections 2, 4 and 53 of and paragraphs 8 and 11 of Schedule 7 to the Employment Act 2002 and is made before the end of the period of 6 months from the coming into force of those enactments(4), hereby makes the following Regulations—

**Citation and commencement**

1. These Regulations may be cited as the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations and shall come into force on 8th December 2002.

**Weekly rate of payment of statutory paternity pay**

2.—(1) Where the paternity pay period begins before 6th April 2003, the weekly rate payable shall be £75.00.

(2) Where the paternity pay period begins on or after 6th April 2003, the weekly rate payable shall be the smaller of the following two amounts—

(a) £100.00;

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(1) 1992 c. 4; section 176(1)(a) was amended by paragraph 7 of Schedule 7 to the Employment Act 2002 (c. 22).  
(2) Section 171ZE was inserted by section 2 of the Employment Act 2002, and section 171ZN by section 4 of that Act.  
(3) 1992 c. 5; section 5 was amended by paragraph 11 of Schedule 7 to the Employment Act 2002.  
(4) See section 173(5)(b) of the Social Security Administration Act 1992.

- (b) 90 per cent. of the normal weekly earnings of the person claiming statutory paternity pay, determined in accordance with regulations 39 and 40 of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002<sup>(5)</sup>.

**Weekly rate of payment of statutory adoption pay**

3. The weekly rate of payment of statutory adoption pay shall be the smaller of the following two amounts—

- (a) £100.00;
- (b) 90 per cent. of the normal weekly earnings of the person claiming statutory adoption pay, determined in accordance with regulations 39 and 40 of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002.

**Rounding of fractional amounts**

4. Where any payment of statutory paternity pay is at the weekly rate specified in regulation 2(2)(b), or any payment of statutory adoption pay is at the weekly rate specified in regulation 3(b), and that amount includes a fraction of a penny, the payment shall be rounded up to the next whole number of pence.

2002

Department of Trade and Industry

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This instrument contains only regulations made by virtue of sections 2, 4 and 53 of and paragraphs 8 and 11 of Schedule 7 to the Employment Act 2002 (“the 2002 Act”), which comes into force on 8th December 2002. The instrument is made before the end of the period of 6 months beginning with the coming into force of those provisions. The regulations in it are therefore exempted by section 173(5) (b) of the Social Security Administration Act 1992 from the requirement under section 172 of that Act to refer the proposals to make regulations to the Social Security Advisory Committee and they are made without reference to the Committee.

These Regulations set the weekly rates for statutory paternity pay and statutory adoption pay payable under Parts 12ZA (statutory paternity pay) and 12ZB (statutory adoption pay) of the Social Security Contributions and Benefits Act 1992, inserted by sections 2 and 4 respectively of the 2002 Act.

Regulation 2 sets the weekly rate of payment of statutory paternity pay at £75.00 where the paternity pay period begins before 6th April 2003, and at the smaller of £100.00 and 90 per cent. of the employee’s normal weekly earnings where the paternity pay period begins on or after 6th April 2003.

Regulation 3 sets the weekly rate of payment of statutory adoption pay at the smaller of £100 and 90 per cent. of the employee’s normal weekly earnings.

Regulation 4 provides for the rounding of fractional amounts.

A Regulatory Impact Assessment of the costs and benefits of these regulations to business has been placed in the libraries of both Houses of Parliament. Copies are available to the public from the Employment Relations Directorate, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET; the Assessment is also accessible at the Directorate’s website [www.dti.gov.uk/er](http://www.dti.gov.uk/er).