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Draft Regulations laid before Parliament under section 236(3) of the Employment Rights Act 1996 and section 176(1) of the Social Security Contributions and Benefits Act 1992, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No. XXXX

TERMS AND CONDITIONS OF EMPLOYMENT

The Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2020

Made - - - - *****
Coming into force - - *6th April 2020*

The Secretary of State in exercise of the powers conferred by section 80EA(1) and 80ED(i) of the Employment Rights Act 1996(a) and sections 171ZZ6, 171ZZ8, 171ZZ9 and 175(4) of the Social Security Contributions and Benefits Act 1992(b), makes the following Regulations.

In respect of provisions relating to housing benefit, in accordance with section 176(1) of the Social Security Administration Act 1992(c) the Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned.

This instrument contains only regulations made by virtue of, or consequential upon, the Schedule to the Parental Bereavement (Leave and Pay) Act 2018(d) and is made before the end of the period of 6 months beginning with the coming into force of that enactment(e).

(a) 1996 c.18; sections 80EA and 80ED(i) were inserted by paragraph 2 of the Schedule to the Parental Bereavement Leave and Pay Act 2018 c. 24.
(b) 1992 c. 4; sections 171ZZ6, 171ZZ8 and 171ZZ9 were inserted by paragraph 5 of the Schedule to the Parental Bereavement Leave and Pay Act 2018; under section 175(1) regulations are made by the Secretary of State. Section 175(4) was amended by the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2), Schedule 3, paragraph 29.
(c) 1992 c. 5. Section 176(1) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraph 3(4) of Schedule 13 to the Housing Act 1996 (c. 52) and section 69(6) of the Child Support, Pensions and Social Security Act 2000 (c. 19).
(d) 2018 c. 24.
(e) See section 173(5) of the Social Security Administration Act 1992 (c. 5). Pursuant to section 172 of that Act, where the Secretary of State proposes to make Regulations under the Social Security Contributions and Benefits Act 1992, the Secretary of State is required to refer such proposals, normally in the form of draft regulations, to the Social Security Advisory Committee. This requirement does not apply where the regulations are contained in a statutory instrument made before the end of a period of six months beginning with the coming into force of the enactments by virtue or as a consequence of which the regulations are made.

In accordance with section 236(3)(a) of the Employment Rights Act 1996 and section 176(1)(a)(b) of the Social Security Contributions and Benefits Act 1992, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2020 and come into force on 6th April 2020.

Social Security (Credits) Regulations 1975

2. Regulation 9C (credits for adoption pay period, shared parental pay period, additional paternity pay period and maternity pay period) of the Social Security (Credits) Regulations 1975(c) is amended as follows—

- (a) in the heading, after “shared parental pay period,” insert “parental bereavement pay period.”;
- (b) in paragraph (1)(a) after “paragraph (2)(a)” for “or (aa)” substitute “, (aa) or (d)”;
- (c) in paragraph (2) at the end insert—
 - “; or
 - (d) the parental bereavement pay period in respect of which statutory parental bereavement pay is paid to a person”;
- (d) in paragraph (5) at the end insert—
 - “; or
 - (c) “statutory parental bereavement pay” means statutory parental bereavement pay payable in accordance with Part 12ZD of that Act(d) and “parental bereavement pay period” means the weeks in respect of which statutory parental bereavement pay is payable to a person under section 171ZZ9(2) of that Act”.

Statutory Sick Pay (General) Regulations 1982

3. In the Statutory Sick Pay (General) Regulations 1982(e), in regulation 17 (meaning of “earnings”), in paragraph (3) at the end insert—

- “;
- (l) any sum payable by way of statutory parental bereavement pay, including any sums payable in accordance with regulations made under section 171ZZ8(3) of the Contributions and Benefits Act”.

Statutory Maternity Pay (General) Regulations 1986

4.—(1) The Statutory Maternity Pay (General) Regulations 1986(f) are amended as follows.

(2) In regulation 11 (continuous employment), in paragraph (1)(e), after “shared parental leave” insert “, parental bereavement leave”.

(3) In regulation 20 (meaning of “earnings”), in paragraph (4) at the end insert—

(a) Section 236(3) was amended by paragraphs 1 and 3 of the Schedule to the Parental Bereavement (Leave and Pay) Act 2018.
(b) Section 176(1)(a) was amended by paragraph 6 of the Schedule to the Parental Bereavement (Leave and Pay) Act 2018.
(c) S.I. 1975/556. Regulation 9C was inserted by S.I. 1988/516 and substituted by S.I. 2003/521. It was amended by S.I. 2012/766 and 2014/3255.
(d) 1992 c. 4. Section 12ZD was inserted by the Schedule to the Parental Bereavement Leave and Pay Act 2019 c. 24.
(e) S.I. 1982/894; relevant amending instruments are S.I. 2002/2690 and S.I. 2014/3255.
(f) S.I. 1986/1960; relevant amending instruments are S.I. 2002/2690 and S.I. 2014/3255.

“;

- (i) any sum payable by way of statutory parental bereavement pay, including any sums payable in accordance with regulations made under section 171ZZ8(3) of the Contributions and Benefits Act”.

Income Support (General) Regulations 1987

5.—(1) The Income Support (General) Regulations 1987(a) are amended as follows.

(2) In regulation 2 (interpretation), at the appropriate place insert—

““parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996;”.

(3) In regulation 5 (persons treated as engaged in remunerative work), in paragraph (3A) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(4) In regulation 35 (earnings of employed earners), in paragraph (2)(b) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(5) In Schedule 1B (prescribed categories of person) after paragraph 14B insert—

“Parental Bereavement Leave

14C.—(1) A person who is entitled to, and is taking, parental bereavement leave by virtue of section 80EA of the Employment Rights Act 1996 and who satisfies either or both of the conditions set out in sub-paragraph (2) below.

(2) The conditions for the purposes of sub-paragraph (1) are that the person—

- (a) is not entitled to statutory parental bereavement pay by virtue of Part 12ZD of the Contributions and Benefits Act, or to any remuneration from their employer in respect of that leave for the period to which the claim for income support relates;
- (b) is entitled to working tax credit, child tax credit payable at a rate higher than the family element, housing benefit or council tax benefit on the day before that leave begins.

(3) In this paragraph “remuneration” means payment of any kind and “family element” means the amount specified in regulation 7(3) of the Child Tax Credit Regulations 2002(b) but subject in any case to calculations of that amount made in accordance with the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002.”

(6) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) in paragraph 4—

- (a) after “12ZB” insert “or under Part 12ZD”;
- (b) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

Firefighters’ Pension Scheme Order 1992

6.—(1) The Firefighters’ Pension Scheme Order 1992(c) is amended as follows.

(2) In Schedule 2—

- (a) in Part F (pensionable service and transfer values)—

(a) S.I. 1987/1967; relevant amending instruments are S.I. 1993/2119, S.I. 2002/2689, S.I. 2012/757 and S.I. 2014/3255.
(b) S.I. 2002/2007; amended by S.I. 2011/1035; there are other amending instruments but none is relevant.
(c) S.I. 1992/129; relevant amending instruments are S.I. 2004/1912, S.S.I. 2004/385, S.S.I. 2006/342, S.I. 2006/3432, S.I. 2006/1810, S.S.I. 2007/199, S.I. 2007/1072, and S.I. 2007/1074. The Scheme was made under section 26 of the Fire Services Act 1947 (c.41). That Act was repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21). Subsections (1) to (5) of section 26 were continued in force, for the purposes of the scheme established under that section as the Firemen’s Pension Scheme, by S.I. 2004/2306. The name of the scheme was changed, in relation to England and Scotland, by article 4(1) of S.I. 2004/2306.

- (i) in rule F2 (current service), paragraph (3), after “paternity” insert “, parental bereavement”;
- (ii) in the heading of rule F2A (maternity, paternity and adoption leave) after “paternity” insert “, parental bereavement”;
- (iii) in rule F2A (maternity, paternity and adoption leave) after paragraph (2)(a) insert—
“aa) parental bereavement leave;”.
- (b) in Part G (pensionable pay and contributions) in rule G1 (pensionable pay and average pensionable pay)—
 - (i) in paragraph (2A) after “paternity” in both places it occurs insert “, parental bereavement”;
 - (ii) after paragraph (6)(c) insert “(ca) parental bereavement leave;”.
- (c) in Part P (increased pension entitlement) in Part 1 (glossary of expressions) of Schedule 1 (interpretation) insert in the appropriate place—

““Parental bereavement leave”

Leave under section 80EA of the
Employment Rights Act 1996.”.

National Health Service Pension Scheme Regulations 1995

7.—(1) The National Health Service Pension Scheme Regulations 1995(a) are amended as follows.

(2) In regulation A2 (interpretation), at the appropriate place insert—

““parental bereavement leave” has the meaning given in regulation 3 of the Parental Bereavement Leave Regulations 2020.”.

(3) In regulation P1 (absence because of illness or injury or certain types of leave) in paragraphs (1) and (4)(b) after “parental leave” in the first place it occurs insert “, parental bereavement leave”.

(4) In Schedule 2 (Medical and Dental Practitioners)—

(a) in paragraph 3 (meaning of pensionable earnings)—

- (i) in sub-paragraph (2B)(a)(ii) after “shared parental leave” insert “, parental bereavement leave”;
- (ii) in sub-paragraph (2C)(b) after “shared parental leave” insert “, parental bereavement leave”.

(b) in paragraph 23(5)(c) (accounts and actuarial reports) after “shared parental leave payments” insert “, parental bereavement leave payments”.

Jobseeker’s Allowance Regulations 1996

8.—(1) The Jobseeker’s Allowance Regulations 1996(b) are amended as follows.

(2) In regulation 1 (interpretation), in paragraph (3) at the appropriate place insert—

““parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996;”.

(3) In regulation 15 (circumstances in which a person is not to be regarded as available), for paragraph (1)(bc) substitute—

“(bc) if that person is on ordinary or additional adoption leave, shared parental leave, paternity leave, or parental bereavement leave by virtue of section 75A, 75B, or 80EA of the Employment Rights Act 1996;”.

(a) S.I. 1995/300: relevant amending instruments are S.I. 2007/3280 and S.I. 2016/245.

(b) S.I. 1996/207: relevant amending instruments are S.I. 2002/2689, S.I. 2008/698, S.I. 2012/757 and S.I. 2014/3255.

(4) In regulation 52 (persons treated as engaged in remunerative work), in paragraph (1), after “shared parental leave” insert “, parental bereavement leave”.

(5) In regulation 98 (earnings of employed earners), in paragraph (2)(c), after “shared parental leave” insert “, parental bereavement leave”.

(6) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings) in paragraph 4—

- (a) after “statutory shared parental pay by virtue of Part 12ZC of the Benefits Act,” insert “statutory parental bereavement pay by virtue of Part 12ZD of the Benefits Act,”;
- (b) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

Social Security (Maternity Allowance) (Earnings) Regulations 2000

9. In the Social Security (Maternity Allowance) (Earnings) Regulations 2000(a), in regulation 2 (specified payments for employed earners), in paragraph (1) at the end insert—

- “;
- (i) any sum payable by way of statutory parental bereavement pay, including any sums payable in accordance with regulations made under section 171ZZ8(3) of the Contributions and Benefits Act”.

State Pension Credit Regulations 2002

10.—(1) The State Pension Credit Regulations 2002(b) are amended as follows.

(2) In regulation 1 (interpretation), in paragraph (2), at the appropriate place insert—

““parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996;”.

(3) In regulation 15 (income for the purposes of the Act), in paragraph (1) after sub-paragraph (qb) insert—

“(qc) statutory parental bereavement pay payable under Part 12ZD of the 1992 Act;”.

(4) In regulation 17A (earnings of an employed earner), in paragraph (2) after sub-paragraph (ib) insert—

“(ic) statutory parental bereavement pay payable under Part 12ZD of the 1992 Act;”.

(5) In Schedule 2 (housing costs), in paragraph 2 (remunerative work), in sub-paragraph (7) after “shared parental leave” insert “, parental bereavement leave”.

Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002

11. In the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(c), in regulation 5 (time off in connection with childbirth and adoption)—

- (a) in the heading after “childbirth” insert “, parental bereavement”, and for “and” substitute “or”;
- (b) in paragraph (1) at the end insert—
 - “;
 - (j) is paid statutory parental bereavement pay,
 - (k) is absent from work during a period of parental bereavement leave under section 80EA of the Employment Rights Act 1996”;
- (c) in paragraph (2) after “(3A)” insert “, (3C)”;

(a) S.I. 2000/688: relevant amending instruments are S.I. 2002/2690 and S.I. 2014/3255.

(b) S.I. 2002/1792: relevant amending instruments are S.I. 2003/2274 and 2014/3255.

(c) S.I. 2002/2005: relevant amending instruments are S.I. 2002/3019, S.I. 2012/757 and S.I. 2014/3255.

(d) at the end of paragraph (3B) insert—

“;

(3C) A person shall only be treated as being engaged in qualifying remunerative work by virtue of paragraph (1)(k) for such period as that person would have been paid statutory parental bereavement pay had the conditions of entitlement in Part 2 of the Statutory Parental Bereavement Pay (General) Regulations 2020 been satisfied.”

Tax Credits (Definition and Calculation of Income) Regulations 2002

12.—(1) The Tax Credits (Definition and Calculation of Income) Regulations 2002(a) are amended as follows.

(2) In regulation 4 (employment income), in paragraph (1)(h), for “or statutory adoption pay” substitute “, statutory parental bereavement pay or statutory adoption pay”.

(3) In regulation 7 (social security income) after entry 21B in Table 3 insert—

“21C Statutory parental bereavement pay under Part 12ZD of the Contributions and Benefits Act.”

Teachers’ Superannuation (Scotland) Regulations 2005

13.—(1) The Teachers’ Superannuation (Scotland) Regulations 2005(b) are amended as follows.

(2) In regulation B6 (employment not pensionable) in paragraph (1)(c) for “or adoption leave” substitute “, adoption leave or parental bereavement leave”, and for “or adoption pay” substitute “, adoption pay or parental bereavement pay”.

(3) In regulation C1 (salary on which contributions are payable) in paragraph (1)(b) after “paternity” in the first place it occurs, insert “, parental bereavement”.

(4) In regulation C2 (salary on which contributions payable – election) in paragraph (1)(a) after “paternity” in the first place it occurs, insert “, parental bereavement”.

(5) In regulation D1 (reckonable service generally) in paragraph (4)(a) after “paternity” in the first place it occurs insert “, parental bereavement”.

(6) In regulation E6 (entitlement to payment of retirement benefits) in paragraph 5(c)(i)(bb) after “paternity” in the first place it occurs insert “, parental bereavement”.

(7) In regulation E10A (total incapacity benefit where application received on or after 1st April 2007) in paragraph (1)(b) after “paternity” in the first place it occurs, insert “, parental bereavement”.

(8) In regulation E24 (death grants) in paragraph (1)(e) after “paternity” in the first place it occurs, insert “, parental bereavement”.

(9) In regulation E29 (amount and duration of short-term family benefits) in paragraph (1)(a) after “paternity” in the first place it occurs, insert “, parental bereavement”.

(10) In regulation E34 (pensionable salary) in paragraph (7)(a) after “paternity” in the first place it occurs, insert “, parental bereavement”.

(11) In regulation J4 (records and information) in paragraph (1)(f) after “paternity” in the first place it occurs, insert “, parental bereavement”.

(12) In Schedule 1 (glossary of expressions) at the appropriate place insert—

““parental bereavement leave”

The meaning given in regulation 3 of the Parental Bereavement Leave Regulations 2020.”

(a) S.I. 2002/2006: relevant amending instruments are S.I. 2010/2494 and S.I. 2014/3255.

(b) S.S.I. 2005/393: amended by S.S.I. 2008/227; there are other amending instruments but none is relevant.

Housing Benefit Regulations 2006

- 14.**—(1) The Housing Benefit Regulations 2006(a) are amended as follows.
- (2) In regulation 2(1) (interpretation), at the appropriate place insert—
- ““parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996;”.
- (3) In regulation 6 (remunerative work), in paragraph (7), after “shared parental leave” insert “, parental bereavement leave”.
- (4) In regulation 28 (treatment of child care charges)—
- (a) in paragraph (14)(a) in the words before paragraph (i), after “shared parental leave” insert “, parental bereavement leave”;
- (b) in paragraph (14)(a)(i) after “shared parental leave” insert “, parental bereavement leave”;
- (c) in paragraph (14)(a)(iii) after “statutory shared parental pay by virtue of section 171ZU or 171ZV of the Act”, insert “, statutory parental bereavement pay by virtue of section 171ZZ6 of the Act”;
- (d) in paragraph 14(b) in the words before paragraph (ii), after “paternity leave” insert “, parental bereavement leave”;
- (e) in both paragraphs (14)(b)(ii) and (iii) for “or statutory shared parental pay”, substitute “, statutory shared parental pay or statutory parental bereavement pay”.
- (5) In regulation 35 (earnings of employed earners), in paragraph (1)—
- (a) in sub-paragraph (i) after “statutory shared parental pay” insert “, statutory parental bereavement pay”;
- (b) in sub-paragraph (j) for “or shared parental leave” insert “, shared parental leave or parental bereavement leave”.
- (6) In regulation 36 (calculation of net earnings of employed earners), in paragraph (3)(d) for “or statutory shared parental pay” insert “, statutory shared parental pay or statutory parental bereavement pay”.
- (7) In regulation 75E (exception to the benefit cap: current or recent work), in paragraph (4) in the words after sub-paragraph (b) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

- 15.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) 2006(b) is amended as follows.
- (2) In regulation 2(1) (interpretation) at the appropriate place insert—
- ““parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996;”.
- (3) In regulation 6 (remunerative work), in paragraph (7) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.
- (4) In regulation 29 (meaning of “income”), in paragraph (1)(j) after sub-paragraph (xviiia) insert—
- ““xviiiaa) statutory parental bereavement pay payable under Part 12ZD of the Act;”.
- (5) In regulation 31 (treatment of child care charges)—

(a) S.I. 2006/213: relevant amending instruments are S.I. 2012/757, S.I. 2012/2994 and S.I. 2014/3255.

(b) S.I. 2006/214: relevant amending instruments are S.I. 2012/757 and S.I. 2014/3255.

- (a) in paragraph (14) in the words before sub-paragraph (a) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”;
 - (b) in paragraph (14)(a) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”;
 - (c) in paragraph (14)(c) after “, statutory shared parental pay by virtue of section 171ZU or 171ZV of the Act” insert “, statutory parental bereavement pay by virtue of section 171ZZ6 of the Act”;
 - (d) in paragraph (15) in the words before sub-paragraph (a) after “paternity leave” insert “, parental bereavement leave”;
 - (e) in paragraph (15)(b) for “or statutory shared parental pay” substitute “, statutory shared parental pay or statutory parental bereavement pay”;
 - (f) in paragraph (15)(c) for “or statutory shared parental pay” substitute “, statutory shared parental pay or statutory parental bereavement pay”.
- (6) In regulation 35 (earnings of employed earners), in paragraph (1) after sub-paragraph (ja) insert—
- “(jb)statutory parental bereavement pay payable under Part 12ZD of the Act;”.
- (7) In regulation 36 (calculation of net earnings of employed earners), in paragraph (2)(d) for “or statutory shared parental pay” substitute “, statutory shared parental pay or statutory parental bereavement pay”.

The Firefighters’ Pension Scheme (England) Order 2006

- 16.—**(1) The Firefighters’ Pension Scheme (England) Order 2006(a) is amended as follows.
- (2) In Schedule 1—
- (a) in Part 1 (citation and interpretation) in paragraph 2(1) at the appropriate place insert—
 - ““parental bereavement leave” means leave under section 80EA Employment Rights Act 1996;”;
 - (b) in Part 10 (qualifying service and pensionable service)—
 - (i) in paragraph 1(g) (qualifying service) after “paternity” insert “, parental bereavement”;
 - (ii) in paragraph 2(1)(c) (reckoning of pensionable service) after “paternity” insert “, parental bereavement”;
 - (iii) in paragraph 2A(1)(c) (reckoning of special pensionable service) after “paternity” insert “, parental bereavement”;
 - (iv) in paragraph 5 (reckoning of maternity, paternity and adoption leave etc)—
 - (aa) in the heading after “paternity” insert “, parental bereavement”;
 - (bb) in sub-paragraph (2) after paragraph (a) insert “(aa) parental bereavement leave,”;
 - (c) in Part 11 (pensionable pay, pension contributions and purchase of additional service)—
 - (i) in paragraph 2(5)(c) (final pensionable pay) after “ordinary adoption leave” insert “, parental bereavement leave,”
 - (ii) in paragraph 3(3) (pension contributions), after “paternity” in both places it occurs, insert “, parental bereavement”.

The Firefighters’ Pensions Scheme (Scotland) Order 2007

- 17.—**(1) The Firefighters’ Pensions Scheme (Scotland) Order 2007(b) is amended as follows.

(a) S.I. 2006/3432, to which there are amendments not relevant to these Regulations.
 (b) S.S.I. 2007/199: relevant amending instruments are S.I. 2012/757, S.I. 2012/2994 and S.I. 2014/3255.

- (2) In Schedule 1—
- (a) in Part 1, paragraph 2(1) (interpretation) at the appropriate place insert ““parental bereavement leave” means leave under section 80EA Employment Rights Act 1996;”;
 - (b) in Part 10 (qualifying service and reckonable service)—
 - (i) in paragraph 2(1)(c) (reckoning of pensionable service) after “paternity” insert “, parental bereavement”;
 - (ii) in paragraph 2A(1)(c) (reckoning of special pensionable service) after “paternity” insert “, parental bereavement”;
 - (iii) in paragraph 5 (reckoning of maternity, paternity and adoption leave, etc)—
 - (aa) in the heading after “paternity” insert “, parental bereavement”;
 - (bb) in sub-paragraph (2) after paragraph (a) insert “(aa) parental bereavement leave;”;
 - (c) in Part 11 (pensionable pay, pension contributions and purchase of additional service)—
 - (i) in paragraph 2(5)(c) (final pensionable pay) after “ordinary adoption leave” insert “parental bereavement leave;”;
 - (ii) in paragraph 3(3) (pension contributions) after “paternity” in both places it occurs insert “, parental bereavement”.

The National Health Service Pension Scheme Regulations 2008

18.—(1) The National Health Service Pension Scheme Regulations 2008(a) are amended as follows.

(2) In regulation 2.A.1 (interpretation: general) at the appropriate place insert ““parental bereavement leave” has the meaning given in regulation 3 of the Parental Bereavement Leave Regulations 2020;”.

(3) In regulation 2.A.4 (pensionable service: breaks in service)—

(a) in paragraph (1) omit “or” at the end of sub-paragraph (d), and at the end insert—

“, or

(f) parental bereavement leave”;

(b) in paragraph (7) omit “or” at the end of sub-paragraph (d), and at the end insert—

“, or

(f) parental bereavement leave”.

(4) In regulation 2.A.9 (pensionable pay: breaks in service) in paragraph (1) omit “or” at the end of sub-paragraph (d), and at the end insert—

“, or

(f) parental bereavement leave”.

(5) In regulation 2.C.9 (effect of member being absent or leaving and rejoining this Section of the Scheme during the contribution option period) in paragraph (1)(e) for “or on shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(6) In regulation 2.E.23 (death during period of absence) in paragraph (1)(d) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(7) In regulation 3.A.1 (interpretation of Part 3: general) in paragraph (1) at the appropriate place insert—

““parental bereavement leave” has the meaning given in regulation 3 of the Parental Bereavement Leave Regulations 2020;”.

(8) In regulation 3.A.4 (pensionable service: breaks in service)—

(a) S.I. 2008/653; amended by S.I. 2016/245; there are other amending instruments but none is relevant.

- (a) in paragraph (1) omit “or” at the end of sub-paragraph (d), and at the end insert—
 - “, or
 - (f) parental bereavement leave”;
- (b) in paragraph (7) omit “or” at the end of sub-paragraph (d), and at the end insert—
 - “, or
 - (f) parental bereavement leave”.
- (9) In regulation 3.A.7 (meaning of “pensionable earnings”)—
 - (a) in paragraph (4)(b) after “shared parental leave” insert “, parental bereavement leave”;
 - (b) in paragraph (5)(b) after “shared parental leave” insert “, parental bereavement leave”.
- (10) In regulation 3.A.8 (pensionable earnings: breaks in service) in paragraph (1) omit “or” at the end of sub-paragraph (d), and at the end insert—
 - “, or
 - (f) parental bereavement leave.”.
- (11) In regulation 3.C.7 (effect of member being absent or leaving and rejoining this Section of the scheme during the contribution option period) in paragraph (1)(e) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.
- (12) In regulation 3.E.23 (death during period of absence) in paragraph (1)(d) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.
- (13) In regulation 3.J.14 (employing authority and certain member record keeping and contribution estimates) in paragraphs (4)(c) and (5)(e) after “shared parental leave payments” in both paragraphs insert “, parental bereavement leave payments”.

Employment and Support Allowance Regulations 2008

- 19.**—(1) The Employment and Support Allowance Regulations 2008(a) are amended as follows.
- (2) In regulation 2(1) (interpretation), at the appropriate place insert—
 - ““parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996;”.
- (3) In regulation 43 (circumstances under which partners of claimants entitled to an income-related allowance are not to be treated as engaged in remunerative work), in paragraph (3), after “shared parental leave” insert “, parental bereavement leave”.
- (4) In regulation 95 (earnings of employed earners), in paragraph (2)(b), after “shared parental leave” insert “, parental bereavement leave”.
- (5) In Schedule 6 (housing costs), in paragraph 2(5) after “shared parental leave” insert “, parental bereavement leave”.
- (6) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—
 - (a) in paragraph 4—
 - (i) after “12ZB” insert “or 12ZD”;
 - (ii) after “shared parental leave” insert “, parental bereavement leave”;
 - (b) in paragraph 5 after “shared parental leave” insert “, parental bereavement leave”.

(a) S.I. 2008/794: relevant amending instruments are S.I. 2013/630 and S.I. 2014/3255.

Teachers' Pensions Regulations 2010

- 20.**—(1) The Teachers' Pensions Regulations 2010(a) are amended as follows.
- (2) In regulation 7 (employment not pensionable: general), in paragraph (2)—
- (a) in sub-paragraph (b) after “shared parental” insert “, parental bereavement”;
 - (b) in sub-paragraph (c) for “or statutory shared parental pay” substitute “statutory shared parental pay or statutory parental bereavement pay”.
- (3) In regulation 15 (contributable salary), in paragraph (2)—
- (a) in sub-paragraph (b) after “shared parental” insert “, parental bereavement”;
 - (b) in sub-paragraph (c) after “shared parental” insert “, parental bereavement”.
- (4) In regulation 22 (entitlement to repayment of balance of contributions), in paragraph (3) after “shared parental” insert “, parental bereavement”.
- (5) In regulation 40 (average salary: supplemental), in paragraph (9)(a) after “shared parental” insert “, parental bereavement”.
- (6) In regulation 43 (calculation of reckonable service where pensionable employment is part time), in paragraph (4)(b) after “shared parental” insert “, parental bereavement”.
- (7) In regulation 95 (adult pensions: short term rate), in paragraph (2)(a) after “shared parental” insert “, parental bereavement”.
- (8) In regulation 98 (child pensions: short term rate), in paragraph (3)(a) after “shared parental” insert “, parental bereavement”.
- (9) In regulation 131 (employers: records etc.), in paragraph (1)(g) after “shared parental” insert “, parental bereavement”.
- (10) In Schedule 1 (glossary of expressions)—
- (a) after the entry for “organiser” insert—

“parental bereavement leave	leave under section 80EA of the Employment Rights Act 1996.”;
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 - (b) after the entry for “state pensionable age” insert—

“statutory parental bereavement pay	statutory parental bereavement pay payable in accordance with Part 12ZD of the Social Security Contributions and Benefits Act 1992.”.
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Agency Workers Regulations 2010

- 21.**—(1) The Agency Workers Regulations 2010(b) are amended as follows.
- (2) In regulation 6 (relevant terms and conditions), in paragraph (3)(c) after “paternity” insert “, parental bereavement”.

The National Health Service Superannuation Scheme (Scotland) Regulations 2011

- 22.**—(1) The National Health Service Superannuation Scheme (Scotland) Regulations 2011(c) are amended as follows.

(a) S.I. 2010/990: relevant amending instruments are S.I. 2011/614 and S.I. 2014/3255.
(b) S.I. 2010/93, to which there are amendments not relevant to these Regulations.
(c) S.S.I. 2011/117: amended by S.S.I. 2017/27; there are other amending instruments but none is relevant.

(2) In regulation A2 (interpretation), in paragraph (4) at the appropriate place in Column 1 insert “parental bereavement leave”, and for the corresponding entry in Column 2 insert “the meaning given in regulation 3 of the Parental Bereavement Leave Regulations 2020;”.

(3) In regulation P1 (maternity, paternity and adoption absence) in each of paragraphs (1), (2) and (4) after “shared parental” insert “, parental bereavement”.

The Investment Bank Special Administration Regulations 2011

23.—(1) The Investment Bank Special Administration Regulations 2011(a) are amended as follows.

(2) In Schedule 6 (modifications and consequential amendments) in Part 1, in the list of secondary legislation after “Additional Statutory Paternity Pay (General) Regulations 2010” insert “Statutory Parental Bereavement Pay (General) Regulations 2020”.

Council Tax Reduction (Scotland) Regulations 2012

24.—(1) The Council Tax Reduction (Scotland) Regulations 2012(b) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1) at the appropriate places insert—

- (a) ““parental bereavement leave” means leave by virtue of section 80EA of the Employment Rights Act 1996;” and
- (b) ““statutory parental bereavement pay” means statutory parental bereavement pay under section 171ZZ6 of the 1992 Act;”.

(3) In regulation 6 (remunerative work), in paragraph (7) after “shared parental leave” insert “, parental bereavement leave”.

(4) In regulation 28 (treatment of child care charges)—

- (a) in paragraph (15)—
 - (i) in the words before sub-paragraph (a) after “shared parental leave” insert “, parental bereavement leave”;
 - (ii) in sub-paragraph (a) after “shared parental leave” insert “, parental bereavement leave”;
 - (iii) in sub-paragraph (c) after “statutory adoption pay by virtue of section 171ZL of the 1992 Act” insert “, statutory parental bereavement pay by virtue of section 171ZZ6 of the Act”;
- (b) in paragraph (16)—
 - (i) in the words before sub-paragraph (a) after “shared parental leave” insert “, parental bereavement leave”;
 - (ii) in both sub-paragraphs (b) and (c) after “statutory shared parental pay” insert “, statutory parental bereavement pay”.

(5) In regulation 34 (earnings of employed earners)—

- (a) in paragraph (1)(j) after “statutory shared parental pay” insert “, statutory parental bereavement pay”;
- (b) in paragraph (1)(k), after “shared parental leave” insert “, parental bereavement leave”.

(6) In regulation 35 (calculation of net earnings of employed earners), in paragraph (3)(d) after “statutory shared parental pay” insert “, statutory parental bereavement pay”.

(a) S.I. 2011/245, to which there are amendments not relevant to these Regulations.

(b) S.S.I. 2012/303; amended by S.I. 2014/3255; there are other amending instruments but none is relevant.

Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012

25.—(1) The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012(a) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1) at the appropriate places insert—

- (a) ““parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996;”;
- (b) ““statutory parental bereavement pay” means statutory parental bereavement pay under section 171ZZ6 of the 1992 Act;”.

(3) In regulation 6 (remunerative work), in paragraph (7), after “shared parental leave” insert “, parental bereavement leave”.

(4) In regulation 27 (meaning of “income”), in paragraph (1)(j) after sub-paragraph (xviiiia) insert—

“(xviiiib) statutory parental bereavement pay;”.

(5) In regulation 29 (treatment of child care charges)—

- (a) in paragraph (15)—
 - (i) in the words before sub-paragraph (a) after “shared parental leave” insert “, parental bereavement leave”;
 - (ii) in sub-paragraph (a) after “shared parental leave” insert “, parental bereavement leave”;
 - (iii) in sub-paragraph (c) after “statutory adoption pay” insert “, statutory parental bereavement pay”;
- (b) in paragraph (16)—
 - (i) in the words before sub-paragraph (a) after “shared parental leave” insert “, parental bereavement leave”;
 - (ii) in both sub-paragraphs (b) and (c) after “statutory shared parental pay”, insert “, statutory parental bereavement pay”.

(6) In regulation 32 (earnings of employed earners) in paragraph (1) after sub-paragraph (ia) insert—

“(ib) statutory parental bereavement pay;”.

(7) In regulation 33 (calculation of net earnings of employed earners), in paragraph (2)(d) after “statutory shared parental pay” substitute “, statutory parental bereavement pay”.

Education (Specified Work) (England) Regulations 2012

26.—(1) The Education (Specified Work) (England) Regulations 2012(b), are amended as follows.

(2) At the end of regulation 3(2) omit “or”, and insert—

“(vi) the right to parental bereavement leave conferred by section 80EA of the ERA 1996; or”.

Education (Induction Arrangements for School Teachers) (England) Regulations 2012

27.—(1) The Education (Induction Arrangements for School Teachers) (England) Regulations 2012(c), are amended as follows.

(2) In regulation 8 for paragraph (2) substitute—

(a) S.S.I. 2012/319; amended by S.S.I. 2014/3255; there are other amending instruments but none is relevant.
(b) S.I. 2012/762 amended by S.I. 2014/3255.
(c) S.I. 2012/1115.

“(2) Paragraph (1) does not apply where a person is absent from work for more than 30 days for one of, or a combination of, the following reasons—

- (a) the maternity leave period specified in regulation 7(1) of the Maternity and Parental Leave etc Regulations 1999^(a);
- (b) taking parental bereavement leave within the meaning given in regulation 3 of the Parental Bereavement Leave Regulations 2020;

unless that person requests that the induction period is extended in accordance with paragraph (1).”.

Universal Credit Regulations 2013

28.—(1) The Universal Credit Regulations 2013^(b) are amended as follows.

(2) In regulation 2 (interpretation) at the appropriate place insert—

““statutory parental bereavement pay” means statutory parental bereavement pay payable in accordance with Part 12ZD of the Contributions and Benefits Act;”.

(3) In regulation 32 (the work condition), in paragraph (2)(b) after “statutory shared parental pay” insert “, statutory parental bereavement pay”.

(4) In regulation 55 (employed earnings), in paragraph (4) omit “and” at the end of subparagraph (e), and at the end insert—

“and

- (g) statutory parental bereavement pay”.

Jobseeker’s Allowance Regulations 2013

29.—(1) The Jobseeker’s Allowance Regulations 2013^(c) are amended as follows.

(2) In regulation 2 (general interpretation) in paragraph (2), at the appropriate place insert—

““parental bereavement leave” means a period of absence from work on leave by virtue of section 80EA of the Employment Rights Act 1996;”.

(3) In regulation 43 (persons treated as engaged in remunerative work), in paragraph (1) after “shared parental leave,” insert “parental bereavement leave,”.

(4) In regulation 58 (earnings of employed earners), in paragraph (2)(c), after “shared parental leave” insert “, parental bereavement leave”.

Employment and Support Allowance Regulations 2013

30.—(1) The Employment and Support Allowance Regulations 2013^(d) are amended as follows.

(2) In regulation 80 (earnings of employed earners) in paragraph (2)(b) after “75E or 75G of that Act” insert “, parental bereavement leave under section 80EA of that Act”.

Local Government Pension Scheme Regulations 2013

31.—(1) The Local Government Pension Scheme Regulations 2013^(e) are amended as follows.

(2) In regulation 15 (employer contributions during absences), in paragraph (4), in subparagraph (b) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(a) S.I. 1999/3312; regulation 7 has been amended by S.I. 2002/2789 and 2006/2014.
(b) S.I. 2013/376, amended by S.I. 2014/3255; there are other amending instruments but none is relevant.
(c) S.I. 2013/378, amended by S.I. 2014/3255; there are other amending instruments but none is relevant.
(d) S.I. 2013/379, amended by S.I. 2014/3255; there are other amending instruments but none is relevant.
(e) S.I. 2013/2356, amended by S.I. 2014/3255; there are other amending instruments but none is relevant.

(3) In regulation 16 (additional pension contributions), in paragraph (17)(a) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(4) In Schedule 1 (interpretation)—

(a) in the definition of child-related leave in paragraph (d) omit “or” and at the end insert—

“or

(g) parental bereavement leave during which the member receives some pensionable pay”;

(b) after “ordinary maternity leave” insert—

““parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996;”;

(c) in the definition of “statutory pay” after “shared parental” insert “, parental bereavement”.

The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013

32.—(1) The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013^(a) are amended as follows.

(2) In regulation 2.A.1 (interpretation of Part 2: general) at the appropriate place insert ““parental bereavement leave” has the meaning given in regulation 3 of the Parental Bereavement Leave Regulations 2020;”.

(3) In regulation 2.A.5 (pensionable service: breaks in service)—

(a) in paragraph (1) omit “or” at the end of sub-paragraph (d), and at the end insert—

“, or

(f) parental bereavement leave”;

(b) in paragraph (8) omit “or” at the end of sub-paragraph (d), and at the end insert—

“, or

(f) parental bereavement leave”.

(4) In regulation 2.A.10 (pensionable pay: breaks in service) in paragraph (1) omit “or” at the end of sub-paragraph (d), and at the end insert—

“, or

(f) parental bereavement leave”.

(5) In regulation 2.C.9 (effect of member being absent of leaving and rejoining this Section of the Scheme during the contribution option period) in paragraph (1)(d) after “parental leave,” insert “or on parental bereavement leave”.

(6) In regulation 2.E.24 (death during period of absence) in paragraph (1)(d) after “paternity leave,” insert “, parental bereavement leave”.

(7) In regulation 3.A.1(1) (interpretation of Part 3: general) at the appropriate place insert—

““parental bereavement leave” has the meaning given in regulation 3 of the Parental Bereavement Leave Regulations 2020;”.

(8) In regulation 3.A.4 (pensionable service: breaks in service)—

(a) in paragraph (1) omit “or” at the end of sub-paragraph (d), and at the end insert—

“, or

(f) parental bereavement leave”.

(b) in paragraph (8) omit “or” at the end of sub-paragraph (d), and at the end insert—

“, or

(a) S.S.I. 2013/174, amended by S.S.I. 2017/27; there are other amending instruments but none is relevant.

(f) parental bereavement leave”.

(9) In regulation 3.A.8 (pensionable earnings: breaks in service) in paragraph (1) omit “or” at the end of sub-paragraph (d), and at the end insert—

“, or

(f) parental bereavement leave”.

(10) In regulation 3.C.7 (effect of member being absent or leaving and rejoining this Section of the scheme during the contribution option period) in paragraph (1)(e) for “or shared parental leave” substitute “shared parental leave or parental bereavement leave”.

(11) In regulation 3.E.24 (death during period of absence) in paragraph (1) omit “or” at the end of sub-paragraph (c), and at the end insert—

“, or

(e) is on parental bereavement leave,”.

Teachers’ Pension Scheme Regulations 2014

33.—(1) The Teachers’ Pension Scheme Regulations 2014(a) are amended as follows.

(2) In regulation 3 (interpretation)—

(a) in the definition of “non-pensionable family leave” after “shared parental leave” insert “, parental bereavement leave”;

(b) at the appropriate place insert—

““parental bereavement leave” has the meaning given in regulation 3 of the Parental Bereavement Leave Regulations 2020;”;

(c) in the definition of “statutory pay” at the end of paragraph (a) omit “or”, and at the end of paragraph (c) insert—

“, or

(d) statutory parental bereavement pay payable in accordance with Part 12ZD of the Social Security Contributions and Benefits Act 1992;”.

(3) In regulation 23 (service not pensionable unless member is entitled to pay), in paragraph (1)(b) after “shared parental leave” insert “, parental bereavement leave”.

(4) In regulation 33 (interpretation), in paragraph (b) of the definition of “notional pensionable earnings” after “shared parental leave” insert “, parental bereavement leave”.

(5) In regulation 34 (pensionable earnings for school teachers), in paragraph (2)(c) after “shared parental leave” insert “, parental bereavement leave”.

(6) In regulation 39 (pensionable earnings for the purpose of accruing benefits), in paragraph (a) after “shared parental leave” insert “, parental bereavement leave”.

(7) In regulation 143 (annual rate of surviving adult pension: short term), in paragraph (2)(a) after “shared parental leave” insert “, parental bereavement leave”.

(8) In regulation 150 (annual rate of child pension: short term), in paragraph (2)(a) after “shared parental leave” insert “, parental bereavement leave”.

(9) In regulation 184 (pensionable earnings for a pay period), in paragraph (4) after “shared parental leave” insert “, parental bereavement leave”.

(10) In regulation 189 (entitlement to repayment of balance of contributions), in paragraph (3) after “shared parental leave” insert “, parental bereavement leave”.

(11) In regulation 219 (employment records), in paragraph (2)(f) after “shared parental leave” insert “, parental bereavement leave”.

(a) S.I. 2014/512 amended by S.I. 2014/2652 and 2014/3255.

Teachers' Pension Scheme (Scotland) (No 2) Regulations 2014

34.—(1) The Teachers' Pension Scheme (Scotland) (No 2) Regulations 2014(a) are amended as follows.

(2) In regulation 3 (interpretation)—

(a) in the definition of “non-pensionable family leave” after “parental leave” insert “, parental bereavement leave”;

(b) at the appropriate place insert—

““parental bereavement leave” has the meaning given in regulation 3 of the Parental Bereavement Leave Regulations 2020;”;

(c) in the definition of “statutory pay” in paragraph (a) after “statutory maternity pay” insert “statutory parental bereavement pay”.

(3) In regulation 22 (service not pensionable unless member is entitled to pay), in paragraph (1)(b) after “shared parental leave” insert “, parental bereavement leave”.

(4) In regulation 32 (interpretation), in paragraph (b) of the definition of “notional pensionable earnings” after “shared parental leave” insert “, parental bereavement leave”.

(5) In regulation 33 (pensionable earnings), in paragraph (2)(c) after “shared parental leave” insert “, parental bereavement leave”.

(6) In regulation 37 (pensionable earnings for the purpose of accruing benefits), in paragraph (a) after “shared parental leave” insert “, parental bereavement leave”.

(7) In regulation 140 (annual rate of surviving adult pension: short term), in paragraph (2)(a) after “shared parental leave” insert “, parental bereavement leave”.

(8) In regulation 147 (annual rate of child pension: short term), in paragraph (2)(a) after “shared parental leave” insert “, parental bereavement leave”.

(9) In regulation 178 (pensionable earnings for a pay period), in paragraph (4) after “shared parental leave” insert “, parental bereavement leave”.

(10) In regulation 183 (entitlement to repayment of balance of contributions), in paragraph (3) after “shared parental leave” insert “, parental bereavement leave”.

(11) In regulation 209 (employment records), in paragraph (2)(f) after “shared parental leave” insert “, parental bereavement leave”.

Firefighters' Pension Scheme (England) Regulations 2014

35.—(1) The Firefighters' Pension Scheme (England) Regulations 2014(b) are amended as follows.

(2) In regulation 3 (interpretation)—

(a) in the definition of child-related leave omit “or” at the end of paragraph (f), and at the end insert—

“; or

(h) parental bereavement leave”;

(b) at the appropriate place insert—

““parental bereavement leave” means leave under the Parental Bereavement Leave Regulations 2020;”;

(c) in the definition of “statutory pay” omit “or” at the end of paragraph (c), and at the end insert—

“, or

(a) S.S.I. 2014/292, amended by S.I. 2014/3255, there are other amending instruments but none is relevant.

(b) S.I. 2014/2848, amended by S.I. 2014/3255, there are other amending instruments but none is relevant.

- (f) statutory parental bereavement pay within the meaning of section 171ZZ6 (entitlement) of the Social Security Contributions and Benefits Act 1992”.
- (3) In regulation 18 (meaning of “assumed pensionable pay”), in paragraph (2)—
 - (a) in sub-paragraph (c) after “shared parental leave” insert “, parental bereavement leave”;
 - (b) in sub-paragraph (e) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.
- (4) In regulation 113 (contributions during child-related leave), in paragraph (3) after “shared parental leave” insert “, parental bereavement leave”.

Childcare Payments (Eligibility) Regulations 2015

- 36.**—(1) The Childcare Payments (Eligibility) Regulations 2015(a) are amended as follows.
- (2) In regulation 12 (qualifying paid work: time off in connection with sickness or parenting) in paragraph (1) at the end of sub-paragraph (l) omit “or”, and at the end insert—
 - “;
 - (n) is absent from work during a period of parental bereavement leave under section 80EA of the Employment Rights Act 1996; or
 - (o) is paid statutory parental bereavement pay under Part 12ZD of the Social Security Contributions and Benefits Act 1992”.

National Health Service Pension Scheme Regulations 2015

- 37.**—(1) The National Health Service Pension Scheme Regulations 2015(b) are amended as follows.
- (2) In regulation 21 (absence from work) in paragraph (1)(e) for “or shared parental leave” substitute “shared parental leave or parental bereavement leave”.
 - (3) In regulation 28 (pensionable earnings: break in service) in paragraph (2)(e) for “or shared parental leave” substitute “shared parental leave or parental bereavement leave”.
 - (4) In regulation 68 (effect of being absent or leaving and rejoining scheme during contributions payment period) in paragraph (1)(e) for “or shared parental leave” substitute “shared parental leave or parental bereavement leave”.
 - (5) In Schedule 10 (practitioner income) in paragraph 3(2)—
 - (a) in the description of BP, in (ii) after “shared parental leave” insert “, parental bereavement leave”;
 - (b) in the description of NRBP, in (ii) after “shared parental leave” insert “, parental bereavement leave”.
 - (6) In Schedule 12 (practitioner contribution payments) in paragraphs 3(4)(c) and (5)(e) after “shared parental leave payments” insert “, parental bereavement leave payments”.
 - (7) In Schedule 15 (definitions) at the appropriate place in Column 1 insert “parental bereavement leave, and for the corresponding entry in Column 2 insert “the meaning given in regulation 3 of the Parental Bereavement Leave Regulations 2020”.

The National Health Service Pension Scheme (Scotland) Regulations 2015

- 38.**—(1) The National Health Service Pension Scheme (Scotland) Regulations 2015(c) are amended as follows.

(a) S.I. 2015/448, to which there are amendments not relevant to these Regulations.
(b) S.I. 2015/94, amended by S.I. 2016/245, there are other amending instruments but none is relevant.
(c) S.S.I. 2015/94.

(2) In regulation 21 (absence from work) in paragraph (1)(e) for “or shared parental leave” substitute “shared parental leave or parental bereavement leave”.

(3) In regulation 28 (pensionable earnings: break in service) in paragraph (2)(e) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(4) In regulation 67 (effect of being absent or leaving and rejoining scheme during contributions payment period) in paragraph (1)(e) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(5) In Schedule 13 (definitions) after the definition of “overtime” insert—

““parental bereavement leave”	regulation 3 of the Parental Bereavement Leave Regulations 2020”
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Firefighters’ Pension Scheme (Scotland) Regulations 2015

39.—(1) The Firefighters’ Pension Scheme (Scotland) Regulations 2015(a) are amended as follows.

(2) In regulation 3 (interpretation)—

(a) in the definition of child-related leave at the end of paragraph (f) omit “or”, and at the end insert—

“, or

(h) parental bereavement leave”;

(b) at the appropriate place insert—

““parental bereavement leave” means leave under the Parental Bereavement Leave Regulations 2020;”;

(c) in the definition of “statutory pay” at the end of paragraph (c) omit “or”, and at the end insert—

“, or

(f) statutory parental bereavement pay within the meaning of section 171ZZ6 (entitlement) of the Social Security Contributions and Benefits Act 1992;”.

(3) In regulation 18 (meaning of “assumed pensionable pay”), in paragraph (2)—

(a) in sub-paragraph (c) after “shared parental leave” insert “, parental bereavement leave”;

(b) in sub-paragraph (e) for “or shared parental leave” substitute “, shared parental leave or parental bereavement leave”.

(4) In regulation 113 (contributions during child-related leave), in paragraph (3) after “shared parental leave” insert “, parental bereavement leave”.

Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016

40. Regulation 8(1) (qualifying paid work and work outside role as a foster parent: time off in connection with sickness or parenting) of the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016(b) is amended as follows—

(a) omit “or” at the end of sub-paragraph (l);

(b) after sub-paragraph (m) insert—

“;

(n) is absent from work during a period of parental bereavement leave under section 80EA of the Employment Rights Act 1996; or

(a) S.S.I. 2015/19, amended by S.I. 2016/245, there are other amending instruments but none is relevant.

(b) S.I. 2016/1257, to which there are amendments not relevant to these Regulations.

- (o) is paid statutory parental bereavement pay under Part 12ZD of the Social Security Contribution and Benefits Act 1992”.

Local Government Pension Scheme (Scotland) Regulations 2018

41.—(1) The Local Government Pension Scheme (Scotland) Regulations 2018(a) are amended as follows.

(2) In regulation 10 (temporary reduction in contributions), in paragraph (5)(c) after “paternity” insert “, parental bereavement”.

(3) In regulation 12 (contributions during child-related leave), in paragraph (2) after “paternity leave” insert “, parental bereavement leave”.

(4) In regulation 15 (absence), in paragraph (4)(b), after “additional adoption leave” insert “, parental bereavement leave”.

(5) In regulation 16 (additional pension contributions), in paragraph (17)(a) after “additional adoption leave,” insert “parental bereavement leave”.

(6) In Schedule 1 (interpretation)—

- (a) in the definition of child-related leave omit “or” at the end of paragraph (e), and at the end insert—

“; or

- (g) parental bereavement leave during which the member receives some pensionable pay”;

- (b) after “ordinary maternity leave” insert—

““parental bereavement leave” means leave under the Parental Bereavement Leave Regulations 2020;”;

- (c) in the definition of “statutory pay” after “shared parental” insert “, parental bereavement”.

Date *Name*
Parliamentary Under Secretary of State
Department for Business, Enterprise and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to secondary legislation in consequence of Regulations made under the Employment Rights Act 1996 and Social Security Contributions and Benefits Act 1992, which make provision for entitlements to bereavement leave and pay for parents following the death of a child.

These Regulations are part of a package of legislative measures and the relevant impact assessment is the *Parental Bereavement (Leave and Pay) Bill impact assessment* which was published on 14 May 2018. A copy of that impact assessment can be obtained from the Department for Business, Energy and Industrial Strategy, Labour Market Directorate, 1 Victoria Street, London, SW1H 0ET.

(a) S.S.I. 2018/141, to which there are amendments not relevant to these Regulations.

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