
STATUTORY INSTRUMENTS

2002 No. 2822

The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002

PART 1

Introduction

Citation and commencement

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

Interpretation

2.—(1) In these Regulations—

“the Act” means the Social Security Contributions and Benefits Act 1992;

“adopter”, in relation to a child, means a person who has been matched with the child for adoption;

“adoption agency” has the meaning given, in relation to England and Wales, by section 1(4) of the Adoption Act 1976 ^{M1} and in relation to Scotland, by [^{F1}section 119(1) of the Adoption and Children (Scotland) Act 2007];

“the Board” means the Commissioners of Inland Revenue;

“the Contributions Regulations” means the Social Security (Contributions) Regulations 2001 ^{M2};

“expected week”, in relation to the birth of a child, means the week, beginning with midnight between Saturday and Sunday, in which it is expected that the child will be born;

“statutory paternity pay (adoption)” means statutory paternity pay payable in accordance with the provisions of Part 12ZA of the Act where the conditions specified in section 171ZB(2) of the Act are satisfied;

“statutory paternity pay (birth)” means statutory paternity pay payable in accordance with the provisions of Part 12ZA of the Act where the conditions specified in section 171ZA(2) of the Act are satisfied.

[^{F2}(2) For the purposes of these Regulations—

- (a) a person is matched with a child for adoption when an adoption agency decides that that person would be a suitable adoptive parent for the child;
- (b) in a case where paragraph (a) applies, a person is notified as having been matched with a child on the date that person receives notification of the agency’s decision, under regulation 33(3)(a) of the Adoption Agencies Regulations 2005, regulation 28(3) of the Adoption Agencies (Wales) Regulations 2005 or regulation 8(5) of the Adoption Agencies (Scotland) Regulations 2009;

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) a person is also matched with a child for adoption when a decision is has been made in accordance with regulation 22A of the Care Planning, Placement and Case Review (England) Regulations 2010 and an adoption agency has identified that person with whom the child is to be placed in accordance with regulation 12B of the Adoption Agencies Regulations 2005.
- (d) in a case where paragraph (c) applies, a person is notified as having been matched with a child on the date on which that person receives notification in accordance with regulation 12B(2)(a) of the Adoption Agencies Regulations 2005.]
- [^{F3}(3) A reference (however expressed) in these Regulations to “placed for adoption” means—
- (a) placed for adoption under the Adoption and Children Act 2002 or the Adoption and Children (Scotland) Act 2007; or
- (b) placed in accordance with section 22C of the Children Act 1989 with a local authority foster parent who is also a prospective adopter.
- (4) The reference to “prospective adopter” in paragraph (3) means a person who has been approved as suitable to adopt a child and has been notified of that decision in accordance with regulation 30B(4) of the Adoption Agencies Regulations 2005.]

Textual Amendments

- F1** Words in reg. 2(1) substituted (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 1 para. 32(2)(a)**
- F2** Reg. 2(2) substituted (1.12.2014) by [The Statutory Paternity Pay and Statutory Adoption Pay \(Parental Orders and Prospective Adopters\) Regulations 2014 \(S.I. 2014/2934\)](#), regs. 1, **4(2)** (with reg. 3)
- F3** Reg. 2(3)(4) inserted (1.12.2014) by [The Statutory Paternity Pay and Statutory Adoption Pay \(Parental Orders and Prospective Adopters\) Regulations 2014 \(S.I. 2014/2934\)](#), regs. 1, **4(3)** (with reg. 3)

Marginal Citations

- M1** [1976 c. 36](#); section 1(4) was amended by paragraph 5 of Schedule 4 to the [Care Standards Act 2000 \(c. 36\)](#).
- M2** [S.I. 2001/1004](#).

Application

3.—(1) Subject to the provisions of Part 12ZA of the Act (statutory paternity pay) and of these Regulations, there is entitlement to—

- (a) statutory paternity pay (birth) in respect of children—
- (i) born on or after 6th April 2003; or
- (ii) whose expected week of birth begins on or after that date;
- (b) statutory paternity pay (adoption) in respect of children—
- (i) matched with a person who is notified of having been matched on or after 6th April 2003; or
- (ii) placed for adoption on or after that date.

(2) Subject to the provisions of Part 12ZB of the Act (statutory adoption pay) and of these Regulations, there is entitlement to statutory adoption pay in respect of children—

- (a) matched with a person who is notified of having been matched on or after 6th April 2003; or
- (b) placed for adoption on or after that date.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 16A inserted by [S.I. 2024/121 reg. 11](#)
- reg. 18(1) words in reg. 18 renumbered as reg. 18(1) by [S.I. 2024/121 reg. 13\(a\)](#)
- reg. 18(1)(c) substituted by [S.I. 2024/121 reg. 13\(b\)](#)
- reg. 18(2) inserted by [S.I. 2024/121 reg. 13\(c\)](#)