
STATUTORY INSTRUMENTS

2002 No. 2822

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

PART 4

Statutory paternity pay: provisions applicable to both statutory paternity pay (birth) and statutory paternity pay (adoption)

Work during a statutory paternity pay period

17.—(1) Where, in a case where statutory paternity pay is being paid to a person who works during the statutory paternity pay period for an employer who is not liable to pay him statutory paternity pay and who does not fall within paragraph (b) of regulation 10 or, as the case may be, paragraph (b) of regulation 16, there shall be no liability to pay statutory paternity pay in respect of any remaining part of the statutory paternity pay period.

(2) In a case falling within paragraph (1), the person shall notify the person liable to pay statutory paternity pay within 7 days of the first day during which he works during the statutory pay period.

(3) The notification mentioned in paragraph (2) shall be in writing, if the person who has been liable to pay statutory paternity pay so requests.

Modifications etc. (not altering text)

C1 Regs. 17-19 applied (30.5.2003) by [The Statutory Paternity Pay \(Adoption\) and Statutory Adoption Pay \(Adoptions from Overseas\) \(No. 2\) Regulation 2003 \(S.I. 2003/1194\)](#), regs. 1, **3(1)–(3)**

Cases where there is no liability to pay statutory paternity pay

18. There shall be no liability to pay statutory paternity pay in respect of any week—

- (a) during any part of which the person entitled to it is entitled to statutory sick pay under Part 11 of the Act;
- (b) following that in which the person claiming it has died; or
- (c) during any part of which the person entitled to it is detained in legal custody or sentenced to a term of imprisonment (except where the sentence is suspended), or which is a subsequent week within the same statutory paternity pay period.

Modifications etc. (not altering text)

C1 Regs. 17-19 applied (30.5.2003) by [The Statutory Paternity Pay \(Adoption\) and Statutory Adoption Pay \(Adoptions from Overseas\) \(No. 2\) Regulation 2003 \(S.I. 2003/1194\)](#), regs. 1, **3(1)–(3)**

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

Statutory paternity pay and contractual remuneration

19. For the purposes of section 171ZG(1) and (2) of the Act, the payments which are to be treated as contractual remuneration are sums payable under a contract of service—

- (a) by way of remuneration;
- (b) for incapacity for work due to sickness or injury;
- (c) by reason of the birth or adoption of a child.

Modifications etc. (not altering text)

C1 Regs. 17-19 applied (30.5.2003) by [The Statutory Paternity Pay \(Adoption\) and Statutory Adoption Pay \(Adoptions from Overseas\) \(No. 2\) Regulation 2003 \(S.I. 2003/1194\)](#), regs. 1, **3(1)–(3)**

Avoidance of liability for statutory paternity pay

20.—(1) A former employer shall be liable to make payments of statutory paternity pay to a former employee in any case where the employee had been employed for a continuous period of at least 8 weeks and his contract of service was brought to an end by the former employer solely, or mainly, for the purpose of avoiding liability for statutory paternity pay.

(2) In a case falling within paragraph (1)—

- (a) the employee shall be treated as if he had been employed for a continuous period ending with the child's birth or, as the case may be, the placement of the child for adoption;
- (b) his normal weekly earnings shall be calculated by reference to his normal weekly earnings for the period of 8 weeks ending with the last day in respect of which he was paid under his former contract of service.

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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\(c\)](#)