
STATUTORY INSTRUMENTS

2002 No. 2822

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

PART 6

Statutory paternity pay and statutory adoption pay: provisions applicable to both statutory paternity pay and statutory adoption pay

Change of employer

36. A person's employment shall, notwithstanding a change of employer, be treated as continuous employment with the second employer where—

- (a) the employer's trade or business or an undertaking (whether or not it is an undertaking established by or under an Act of Parliament) is transferred from one person to another;
- (b) by or under an Act of Parliament, whether public or local and whenever passed, a contract of employment between any body corporate and the person is modified and some other body corporate is substituted as his employer;
- (c) on the death of his employer, the person is taken into employment of the personal representatives or trustees of the deceased;
- (d) the person is employed by partners, personal representatives or trustees and there is a change in the partners, or, as the case may be, personal representatives or trustees;
- (e) the person is taken into the employment of an employer who is, at the time he entered his employment, an associated employer of his previous employer, and for this purpose "associated employer" shall be construed in accordance with section 231 of the Employment Rights Act 1996;
- (f) on the termination of his employment with an employer he is taken into the employment of another employer and those employers are governors of a school maintained by a [^{F1}local authority] and that authority.

F1 Words in reg. 36(f) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) \(Local and Subordinate Legislation\) Order 2010 \(S.I. 2010/1172\)](#), art. 1(1), [Sch. 3 para. 47](#)

Modifications etc. (not altering text)

C1 Regs. 31-39 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.

[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\(c\)](#)