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STATUTORY INSTRUMENTS

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**2015 No. 2065**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Statutory Paternity Pay, Statutory Adoption Pay and  
Statutory Shared Parental Pay (Amendment) Regulations 2015**

*Made* - - - - *17th December 2015*  
*22nd December*  
*Laid before Parliament* *2015*  
*Coming into force* - - *1st February 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 171ZJ(1) and (5), 171ZS(1) and (5) and 171ZZ4(1) and (5) of the Social Security Contributions and Benefits Act 1992(1). The Social Security Advisory Committee has agreed that proposals in respect of these Regulations need not be referred to it(2).

**Citation and commencement**

1.—(1) These Regulations may be cited as the Statutory Paternity Pay, Statutory Adoption Pay and Statutory Shared Parental Pay (Amendment) Regulations 2015.

(2) These Regulations come into force on 1st February 2016.

**Amendments to the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002**

2.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002(3) are amended in accordance with paragraph (2).

(2) After regulation 35 (continuous employment and stoppages of work) insert—

**“Meaning of “week”**

**35A.**—(1) This regulation applies where a person (“P”) has been in employed earner’s employment with the same employer in each of 26 consecutive weeks (but no more than 26 weeks), ending with—

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(1) Section 171ZJ was inserted by the Employment Act 2002 (c.22), section 2, and subsection (5) was amended by the Children and Families Act 2014 (c.6), section 126(1) and Schedule 7, paragraph 21(2); section 171ZS was inserted by the Employment Act 2002, section 4; section 171ZZ4 was inserted by the Children and Families Act 2014, section 119(1).  
(2) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c.5).  
(3) S.I. 2002/2822, to which there are amendments not relevant to these Regulations.

- (a) in relation to P's entitlement to statutory paternity pay (birth), the week immediately preceding the 14th week before the expected week of the child's birth, or
- (b) in relation to P's entitlement to statutory paternity pay (adoption), the week in which P is notified that P has been matched with the child for the purposes of adoption.

(2) For the purpose of determining whether P's employment amounts to a continuous period of at least 26 weeks (see sections 171ZA(2)(b) and 171ZL(2)(b) of the Act), the first of those 26 weeks is a period commencing on the first day of P's employment with the employer ("the start date") and ending at midnight on—

- (a) the first Saturday after the start date, or
- (b) where the start date is a Saturday, that day."

### **Amendments to the Statutory Shared Parental Pay (General) Regulations 2014**

3.—(1) The Statutory Shared Parental Pay (General) Regulations 2014(4) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 30 (conditions as to continuity of employment and normal weekly earnings relating to a claimant for statutory shared parental pay (birth)), after paragraph (1) insert—

"(1A) Paragraph (1B) applies where a person has been in employed earner's employment with the same employer in each of 26 consecutive weeks (but no more than 26 weeks), ending with the relevant week.

(1B) For the purpose of determining whether a person meets the condition in paragraph (1)(a), the first of those 26 weeks is a period commencing on the first day of the person's employment with the employer ("the start date") and ending at midnight on—

- (a) the first Saturday after the start date, or
- (b) where the start date is a Saturday, that day."

(3) In regulation 31 (conditions as to continuity of employment and normal weekly earnings in relation to a claimant for statutory shared parental pay (adoption)), after paragraph (1) insert—

"(1A) Paragraph (1B) applies where a person has been in employed earner's employment with the same employer in each of 26 consecutive weeks (but no more than 26 weeks), ending with the relevant week.

(1B) For the purpose of determining whether a person meets the condition in paragraph (1)(a), the first of those 26 weeks is a period commencing on the first day of the person's employment with the employer ("the start date") and ending at midnight on—

- (a) the first Saturday after the start date, or
- (b) where the start date is a Saturday, that day."

17th December 2015

*Nick Boles*  
Minister of State for Skills  
Department for Business, Innovation and Skills

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(4) [S.I. 2014/3051](#), to which there are amendments not relevant to these Regulations.

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## EXPLANATORY NOTE

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

These regulations amend the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 and the Statutory Shared Parental Pay (General) Regulations 2014. They make provision as to the meaning of a “week” for the purposes of determining whether a person has been in employed earner’s employment with an employer for a continuous period of at least 26 weeks.

A separate impact assessment has not been prepared for these Regulations which make only minor changes. These Regulations relate to a package of legislative measures and the relevant impact assessment is the Modern Workplaces: shared parental leave and pay implementation consultation impact assessment which was published in February 2013. A copy of that impact assessment can be obtained from the Department for Business, Innovation and Skills, Labour Market Directorate, 1 Victoria Street, London, SW1H 0ET. Copies have also been placed in the libraries of both Houses of Parliament.