

2024 No. 266

TERMS AND CONDITIONS OF EMPLOYMENT

The Carer's Leave (Consequential Amendments to Subordinate Legislation) Regulations 2024

<i>Made</i> - - - -	<i>28th February 2024</i>
<i>Laid before Parliament</i>	<i>4th March 2024</i>
<i>Coming into force</i> - -	<i>6th April 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(1) of the Carer's Leave Act 2023(a).

Citation Commencement and Extent

1.—(1) These Regulations may be cited as the Carer's Leave (Consequential Amendments to Subordinate Legislation) Regulations 2024.

(2) The Regulations come into force on 6th April 2024.

(3) An amendment made by these Regulations has the same extent as the provision to which it relates.

(4) Otherwise, these Regulations extend to England and Wales and Scotland.

The Working Time Regulations 1998

2.—(1) The Working Time Regulations 1998(b) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “statutory leave” after “Part 8” insert “and Part 8B”.

Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002

3.—(1) The Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(c) are amended as follows.

(2) In regulation 4 (entitlement to basic element of Working Tax Credit: qualifying remunerative work)—

(a) in sub-paragraph (4)(c) after “Schedule 7 of the Coronavirus Act 2020,” omit “and”;

(b) in paragraph (4)(d)(ii) after “consequence of coronavirus” for “.” substitute “, and”;

(c) after paragraph (4)(d)(ii) insert—

(a) 2023 c. 18.

(b) S.I. 1998/1833, amended by S.I. 2023/1426; there are other amending instruments but none is relevant.

(c) S.I. 2002/2005, amended by S.I. 2020/1515, S.I. 2020/534 there are other amending instruments but none is relevant.

“(e) any period of absence from work due to taking carer’s leave under section 80J of the Employment Rights Act 1996(a).”.

The Education (Specified Work) (England) Regulations 2012

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

(2) In regulation 3 (requirement to be qualified) at paragraph (2)(a)(vi) omit “or”, and insert—
“(vii) the right to carer’s leave conferred by section 80J of the ERA 1996; or”.

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

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

(2) In regulation 8 (extension of an induction period before completion) after sub-paragraph (2)(e) for “.” substitute “;” and insert—

“(f) the exercise of the right to carer’s leave conferred by or under section 80J of the Employment Rights Act 1996.”.

Teachers’ Pension Scheme Regulations 2014

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

(2) In regulation 3 (interpretation)—

(a) at the appropriate place insert—

““carer’s leave” means leave under section 80J of the Employment Rights Act 1996;”;

(b) in the definition of “non-pensionable family leave”—

(i) after “parental bereavement leave” substitute “or” for “;”;

(ii) after “paternity leave” insert “carer’s leave”.

(3) In regulation 23 (service not pensionable unless member is entitled to pay) in sub-paragraph (1)(b)—

(a) after “parental bereavement leave” for “or” substitute “;”;

(b) after paternity leave insert “or carer’s leave”.

(4) In regulation 33 (interpretation), in sub-paragraph (b) of the definition of “notional pensionable earnings”—

(a) after “parental bereavement leave” for “or” substitute “;”;

(b) after “paternity leave” insert “or carer’s leave”.

(5) In regulation 34 (pensionable earnings for school teachers), in sub-paragraph (2)(c) after “sick leave,” insert “carer’s leave,”.

(6) In regulation 39 (pensionable earnings for the purpose of accruing benefits), in sub-paragraph (a) after “sick leave,” insert “carer’s leave,”.

(7) In regulation 189 (entitlement to repayment of balance of contributions), after paragraph (3) insert a new paragraph (3A)—

(a) 1996 c. 18; section 80J was inserted by the Carer’s Leave Act 2023 (c. 18) Schedule, Part 1, paragraph 2.

(b) S.I. 2012/762, amended by S.I. 2014/3255, S.I. 2020/354.

(c) S.I. 2012/1115, amended by S.I. 2020/354, S.I. 2020/464, S.I. 2021/385, 2022/369.

(d) S.I. 2014/512; relevant amending instruments are S.I. 2014/2652, S.I. 2014/3255, S.I. 2020/354.

“(3A) For the purposes of this regulation, P is in pensionable service while P is absent on carer’s leave if P is entitled to return from leave by virtue of Part 8B of the Employment Rights Act 1996.”.

(8) In regulation 219 (employment records), in sub-paragraph (2)(f) after “sick leave,” insert “carer’s leave,”.

The Teachers’ Pension Scheme (Scotland) (No 2) Regulations 2014

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

(2) In regulation 3 (interpretation)—

(a) at the appropriate place insert—

““carer’s leave” means leave under section 80J of the Employment Rights Act 1996.”;

(b) in the definition of “non-pensionable family leave”—

(i) after “paternity leave” for “or” substitute “,”;

(ii) after “additional paternity leave” insert “or carer’s leave”.

(3) In regulation 22 (service not pensionable unless member is entitled to pay) in sub-paragraph (1)(b)—

(a) after “parental bereavement leave” omit “or”;

(b) after “paternity leave” insert “or carer’s leave”.

(4) In regulation 32 (interpretation), in sub-paragraph (b) of the definition of “notional pensionable earnings”—

(a) after “parental bereavement leave” for “or” substitute “,”;

(b) after “paternity leave” insert “or carer’s leave”.

(5) In regulation 33 (pensionable earnings), in sub-paragraph (2)(c) after “sick leave,” insert “carer’s leave,”.

(6) In regulation 37 (pensionable earnings for the purpose of accruing benefits), in sub-paragraph (a) after “sick leave,” insert “carer’s leave,”.

(7) In regulation 183 (entitlement to repayment of balance of contributions), after paragraph (3) insert a new paragraph (3A)—

“(3A) for the purposes of this regulation, P is in pensionable service while P is absent on carer’s leave if P is entitled to return from leave by virtue of Part 8B of the Employment Rights Act 1996.”.

(8) In regulation 209 (employment records), in sub-paragraph (2)(f) after “sick leave,” insert “carer’s leave,”.

The Childcare Payments (Eligibility) Regulations 2015

8.—(1) The Childcare Payments (Eligibility) Regulations 2015(b) are amended as follows.

(2) In regulation 13 (qualifying paid work: caring, incapacity for work or limited capability for work), at the end of paragraph (1)(b)(vii) for “.” substitute “; or” and insert—

(a) S.S.I. 2014/292, amended by S.S.I. 2015/97, S.I. 2020/354.

(b) S.I. 2015/448, amended by S.I. 2017/1101, S.I. 2021/781, S.I. 2022/1148.

“(c) in respect of England and Wales and Scotland only, P is absent from work during a period of carer’s leave under section 80J of the Employment Rights Act 1996.”.

28th February 2024

Kevin Hollinrake
Minister for Enterprise, Markets and Small Business
Department for Business and Trade

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to secondary legislation in consequence of the Carer's Leave Act 2023, which makes provision for entitlement to carer’s leave.

These Regulations are part of a package of legislation to bring the statutory right to carer’s leave into effect. A full impact assessment of the affect that this package will have on the costs to business is available from the Department of Business and Trade, Labour Market Directorate, Old Admiralty Building, Trafalgar, London, SW1A 2DY.

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