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S T A T U T O R Y I N S T R U M E N T S

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**2014 No. 3255**

**TERMS AND CONDITIONS OF EMPLOYMENT**

The Shared Parental Leave and Statutory Shared Parental Pay  
(Consequential Amendments to Subordinate Legislation) Order  
2014

*Made* - - - - -

*9th November 2014*

*Laid before Parliament*

*10th November 2014*

*Coming into force in accordance with article 1(2) and (3)*

The Secretary of State makes the following Order in exercise of the powers conferred by section 135(3) and 136(1) and (2) of the Children and Families Act 2014(a).

**Citation and commencement**

**1.**—(1) This Order may be cited as the Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014.

(2) The provisions of this Order specified in article 37 come into force on 31st December 2014.

(3) The remaining provisions of this Order come into force on 5th April 2015.

**Social Security (Credits) Regulations 1975**

**2.** Regulation 9C of the Social Security (Credits) Regulations 1975(b) is amended as follows—

(a) in the title, after “adoption pay period,” insert “shared parental pay period.”;

(b) paragraph (2)(b) at the end insert “; or”;

(c) after paragraph (2)(b) insert—

“(c) the shared parental pay period in respect of which statutory shared parental pay is paid to a person.”;

(d) in paragraph (5)—

(i) the words after “In this regulation” become sub-paragraph (a);

(ii) after sub-paragraph (a) (as renumbered) insert—

“(b) “statutory shared parental pay” means statutory shared parental pay payable in accordance with Part 12ZC of that Act and “shared parental pay period” means the weeks in respect of which statutory shared parental pay is payable to a person under section 171ZY(2) of that Act.”.

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(a) 2014 c.6.

(b) S.I. 1975/556; amended by S.I. 2012/766, there are other amending instruments but none is relevant.

## **Statutory Sick Pay (General) Regulations 1982**

**3.** In the Statutory Sick Pay (General) Regulations 1982(a), in regulation 17 (meaning of “earnings”), in paragraph (3)—

- (a) at the end of sub-paragraph (j) for “.” substitute “;”;
- (b) at the end insert—

“(k) any sum payable by way of statutory shared parental pay, including any sums payable in accordance with regulations made under section 171ZX(3) of the Contributions and Benefits Act.”.

## **Statutory Maternity Pay (General) Regulations 1986**

**4.—(1)** The Statutory Maternity Pay (General) Regulations 1986(b) are amended as follows.

(2) In regulation 11 (continuous employment), in paragraph (1)(e), after “adoption leave” insert “, shared parental leave”.

(3) In regulation 20 (meaning of “earnings”), in paragraph (4)—

- (a) at the end of sub-paragraph (g) for “.” substitute “;”;
- (b) at the end insert—

“(h) any sum payable by way of statutory shared parental pay, including any sums payable in accordance with regulations made under section 171ZX(3) of the Contributions and Benefits Act.”.

## **Income Support (General) Regulations 1987**

**5.—(1)** The Income Support (General) Regulations 1987(c) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

- (a) in the definition of “paternity leave”—

(i) omit “ordinary”;

(ii) omit “or on additional paternity leave by virtue of section 80AA or 80BB of that Act”;

- (b) at the appropriate place there is inserted—

““shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;”.

(3) In regulation 5 (persons treated as engaged in remunerative work), in paragraph 3A for “or adoption leave” substitute “, adoption leave or shared parental leave”.

(4) In regulation 35 (earnings of employed earners), in paragraph (2)(b) for “or adoption leave” substitute “, adoption leave or shared parental leave”.

(5) In Schedule 1B (prescribed categories or person) in paragraph 14B omit “ordinary” in both places where that word appears.

(6) In Schedule 9 (sums to be disregarded in the calculation of income)—

- (a) in paragraph 4 for “or adoption leave” substitute “, adoption leave or shared parental leave”;

- (b) in paragraph 4A—

(i) omit “ordinary or additional”;

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(a) S.I. 1982/894 amended by S.I. 2002/2690, there are other amending instruments but none is relevant.

(b) S.I. 1986/1960; amended by S.I.2002/2690, there are other amending instruments but none is relevant.

(c) S.I. 1987/1967; amended by S.I.1993/2119, S.I. 2002/2689, S.I. 2012/757, there are other amending instruments but none is relevant.

- (ii) for “or statutory adoption pay” substitute “, statutory adoption pay or statutory shared parental pay”.

### **Child Support (Maintenance Assessment and Special Cases) Regulations 1992**

**6.** Paragraph 1(1)(gg) of Schedule 1 (calculation of N and M) to the Child Support (Maintenance Assessment and Special Cases) Regulations 1992(a) is amended as follows—

- (a) for “or” substitute “,”;
- (b) at the end insert “ or any statutory shared parental pay under Part 12ZC of that Act”;

### **Jobseeker’s Allowance Regulations 1996**

**7.—(1)** The Jobseeker’s Allowance Regulations 1996(b) are amended as follows—

(2) In regulation 1 (interpretation), in paragraph (3), in the definition of “paternity leave”—

- (a) omit “ordinary”;
- (b) omit “or on additional paternity leave by virtue of section 80AA or 80BB of that Act”;
- (c) at the appropriate place there is inserted—

““shared parental leave” means leave under section 75E to 75G of the Employment Rights Act 1996;”.

(3) In regulation 15 (circumstances in which a person is not to be regarded as available), in paragraph (1)(bc) after “paternity leave” insert “, shared parental leave”.

(4) In regulation 52 (persons treated as engaged in remunerative work), in paragraph (1), after “adoption leave” insert “, shared parental leave”.

(5) In regulation 98 (earnings of employed earners), in paragraph (2)(c), after “adoption leave” insert “, shared parental leave”.

(6) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 4—
  - (i) for “ordinary or additional statutory paternity pay” substitute “statutory paternity pay”;
  - (ii) after “statutory adoption pay by virtue of Part 12ZB of the Benefits Act,” insert “statutory shared parental pay by virtue of Part 12ZC of the Benefits Act,”;
  - (iii) for “or adoption leave” substitute “, adoption leave or shared parental leave”.
- (b) in paragraph 5—
  - (i) for “ordinary or additional statutory paternity pay” substitute “statutory paternity pay”;
  - (ii) for “or statutory adoption pay” substitute “statutory shared parental pay or statutory adoption pay”.

### **Social Security (Maternity Allowance) (Earnings) Regulations 2000**

**8.** In the Social Security (Maternity Allowance) (Earnings) Regulations 2000(c), in regulation 2 (specified payments for employed earners), in paragraph (1)—

- (a) at the end of sub-paragraph (g) for “.” substitute “;”;
- (b) at the end insert—

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- (a) S.I. 1992/1815; amended by S.I. 2004/2415, there are other amending instruments but none is relevant. S.I. 1992/1815 was revoked by S.I. 2001/155 with savings; S.I. 2001/155 was revoked by 2012/2785 with savings.  
(b) S.I. 1996/207; amended by S.I. 2002/2689, S.I. 2008/698, S.I. 2012/757; there are other amending instruments but none is relevant.  
(c) S.I. 2000/688; amended by S.I. 2002/2690, there are other amending instruments but none is relevant.

“(h) any sum payable by way of statutory shared parental pay, including any sums payable in accordance with regulations made under section 171ZX(3) of the Contributions and Benefits Act;”.

### **Child Support (Maintenance Calculations and Special Cases) Regulations 2000**

**9.** In paragraph 4(1)(dd) of the Schedule (net weekly income) to the Child Support (Maintenance Calculations and Special Cases) Regulations 2000(a)—

- (a) for “or” substitute “,”;
- (b) at the end insert “or any statutory shared parental pay under Part 12ZC of that Act”.

### **State Pension Credit Regulations 2002**

**10.**—(1) The State Pension Credit Regulations 2002(b) are amended as follows.

(2) In regulation 1 (interpretation), in paragraph (2)—

- (a) in the definition of ”paternity leave”—
  - (i) omit “ordinary”;
  - (ii) omit “or on additional paternity leave by virtue of section 80AA or 80BB of that Act”;
- (b) at the appropriate place there is inserted—

““shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;”.

(3) In regulation 15 (income for the purposes of the Act) in paragraph (1)—

- (a) omit sub-paragraph (qa);
- (b) after sub-paragraph (q) insert—

“(qb) statutory shared parental pay payable under Part 12ZC of the 1992 Act;”.

(4) In regulation 17A (earnings of an employed earner), in paragraph (2)—

- (a) in sub-paragraph (i) omit “ordinary”;
- (b) omit sub-paragraph (ia);
- (c) after sub-paragraph (i) insert—

“(ib) statutory shared parental pay payable under Part 12ZC of the 1992 Act;”.

(5) In Schedule 2 (housing costs), in paragraph 2 (remunerative work), in sub-paragraph (7) after “paternity leave” insert “, shared parental leave”.

### **Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002**

**11.**—(1) Regulation 5 (time off in connection with childbirth and adoption) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(c) is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (d) omit “ordinary”;
- (b) omit sub-paragraph (da);
- (c) in sub-paragraph (e) for “an ordinary” substitute “a”;
- (d) in sub-paragraph (ea) omit “sections 80AA or 80BB of the Employment Rights Act 1996 or”;

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(a) S.I. 2001/155; amended by S.I. 2004/2415 there are other amending instruments but none is relevant; S.I. 2001/155 was revoked by 2012/2785 with savings.

(b) S.I. 2002/1792; amended by S.I. 2002/3019, S.I. 2012/757, there are other amending instruments but none is relevant.

(c) S.I. 2002/2005; amended by S.I. 2003/701 and S.I. 2010/2492; there are other amending instruments but none is relevant.

- (e) after sub-paragraph (ga) insert—
  - “(h) is paid statutory shared parental pay,
  - (i) is absent from work during a period of shared parental leave under section 75E or 75G of the Employment Rights Act 1996.”.
- (3) In paragraph (3A) omit “Parts 2 or 3 of the Additional Statutory Paternity Pay (General) Regulations 2010 or”.
- (4) After paragraph (3A) insert—
 

“(3B) A person shall only be treated as being engaged in qualifying remunerative work by virtue of paragraph (1)(i) for such period as that person would have been paid statutory shared parental pay had the conditions of entitlement in Parts 2 or 3 of the Statutory Shared Parental Pay (General) Regulations 2014 been satisfied.”.

### **Tax Credits (Definition and Calculation of Income) Regulations 2002**

- 12.**—(1) The Tax Credits (Definition and Calculation of Income) Regulations 2002(a) are amended as follows.
- (2) In regulation 4 (employment income)—
    - (a) in paragraph (1)(h)—
      - (i) omit “ordinary”;
      - (ii) omit “, additional statutory paternity pay”;
      - (iii) for “or adoption pay” substitute “, statutory shared parental pay or adoption pay”.
  - (3) In regulation 7 (social security income)—
    - (a) in entry 21A in Table 3—
      - (i) omit “ordinary”;
      - (ii) omit “additional statutory paternity pay”;
    - (b) after entry 21A in Table 3 insert—
 

“21B Statutory shared parental pay under Part 12ZC of the Contributions and Benefits Act.”.

### **Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations 2002**

- 13.**—(1) The Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations 2002(b) are amended as follows.
- (2) In regulation 1 (interpretation)—
    - (a) omit the definitions of “additional statutory paternity pay (adoption)” and “additional statutory paternity pay (birth)”;
    - (b) in the definition of “ordinary statutory paternity pay (adoption)” omit “ordinary”;
    - (c) in the definition of “ordinary statutory paternity pay (birth)” omit “ordinary”.
  - (3) In regulation 2 (restriction on scope) omit “ordinary and additional”.
  - (4) In regulation 5 (entitlement where a person has worked in an EEA state)—
    - (a) in the heading for “ordinary statutory paternity pay and additional statutory paternity pay” substitute “statutory paternity pay”;
    - (b) in paragraph (1)—

(a) S.I. 2002/2006; amended by S.I. 2010/2494; there are other amending instruments but none is relevant.  
 (b) S.I. 2002/2821; amended by S.I. 2010/153.

- (i) for “(entitlement to ordinary statutory paternity pay (birth))” substitute “(entitlement to statutory paternity pay (birth))”;
- (ii) omit “and section 171ZEA of the Act (entitlement to additional statutory paternity pay (birth))”.
- (c) in paragraph (2)—
  - (i) for “(entitlement to ordinary statutory paternity pay (adoption))” substitute “(entitlement to statutory paternity pay (adoption))”;
  - (ii) omit “and section 171ZEB of the Act (entitlement to additional statutory paternity pay (adoption))”.

**Social Security Contributions and Benefits Act 1992 (Application of Parts 12ZA and 12ZB to Adoptions from Overseas) Regulations 2003**

**14.**—(1) The Social Security Contributions and Benefits Act 1992 (Application of Parts 12ZA and 12ZB to Adoptions from Overseas Regulations 2003(a) are amended as follows.

(2) In regulation 2 (application of Part 12ZA of the Act to adoptions from overseas) omit “as it concerns both ordinary statutory paternity pay and additional statutory paternity pay”.

(3) In Schedule 1 (application of Part 12ZA of the Act to adoptions from overseas)—

- (a) in the column headed “Provision” omit—
  - (i) “Section 171ZEB(2)”;
  - (ii) “Section 171ZEB(5)”;
  - (iii) “Section 171ZEE(3)”;
  - (iv) “Section 171ZEE(4)”;
  - (v) “Section 171ZEE(5)”;
- (b) in the column headed “Modification” omit the modifications to the provisions referred to in sub-paragraph (a).

**Armed Forces Pension Scheme Order 2005**

**15.**—(1) The Armed Forces Pension Scheme Order 2005(b) is amended as follows.

(2) In Part A (interpretation etc.) of Schedule 1 (Armed Forces Pension Scheme 2005)—

- (a) in paragraph (4) of rule A.1 (interpretation: general)—
  - (i) omit the definition of “additional paternity leave”;
  - (ii) omit the word “ordinary” in the definition of “ordinary paternity leave”;
  - (iii) after the definition of “the Scheme medical adviser” insert—  
““shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;”.

(3) In paragraph (2)(d) of rule A.3 (meaning of “assumed pay”), omit the words “ordinary paternity leave or on paid additional”.

(4) After paragraph (2)(d) of rule A.3, insert—

“(dd) is on paid shared parental leave;”.

(5) In paragraph (2) of rule C.4 (absence from work)—

- (a) omit the “or” at the end of sub-paragraph (c);
- (b) after sub-paragraph (c) insert—

(a) S.I. 2003/499; amended by S.I. 2010/153.

(b) S.I. 2005/438; amended by S.I. 2011/1364, there are other amending instruments but none is relevant.

“(cc) any period of paid shared parental leave (as defined in paragraph 5C(4) of that Schedule,.”.

## **Reserve Forces Pension Scheme Regulations 2005**

- 16.**—(1) The Reserve Forces Pension Scheme Regulations 2005(a) are amended as follows.
- (2) In rule A.1(4) (interpretation: general)—
- (a) omit the definition of “additional paternity leave”;
  - (b) in the definition of “ordinary paternity leave” omit the word “ordinary”.
- (3) In rule A.3 (meaning of “assumed pay”), in paragraph (2)(d) omit the words “ordinary paternity leave or on paid additional”.

## **Housing Benefit Regulations 2006**

- 17.**—(1) The Housing Benefit Regulations 2006(b) are amended as follows.
- (2) In regulation 2 (interpretation), in the definition of “paternity leave”—
- (a) omit “ordinary”;
  - (b) omit “or on additional paternity leave by virtue of section 80AA or 80BB of that Act”;
  - (c) at the appropriate place there is inserted—

““shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;”.
- (3) In regulation 6 (remunerative work), in paragraph (7), after “paternity leave” insert “, shared parental leave”.
- (4) In regulation 28 (treatment of child care charges)—
- (a) in paragraph (14)(a) after “paternity leave” insert “, shared parental leave”;
  - (b) in paragraph (14)(a)(i) after “paternity leave” insert “, shared parental leave”;
  - (c) in paragraph (14)(a)(iii)—
    - (i) omit “ordinary”;
    - (ii) omit “additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of the Act,”;
    - (iii) after “maternity allowance under section 35 of the Act” insert “, statutory shared parental pay by virtue of section 171ZU or 171ZV of the Act”;
  - (d) in paragraph (14)(b)(ii)—
    - (i) for “ordinary or additional statutory paternity pay or” substitute “statutory paternity pay,”
    - (ii) after “statutory adoption pay” insert “or statutory shared parental pay”;
  - (e) in paragraph (14)(b)(iii)—
    - (i) for “ordinary or additional statutory paternity pay or” substitute “statutory paternity pay,”;
    - (ii) after “statutory adoption pay” insert “ or statutory shared parental pay”.
- (5) In regulation 35 (earnings of employed earners), in paragraph (1)—
- (a) in sub-paragraph (i)—

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(a) These Regulations have been amended by the Reserve Forces Pension Scheme Regulations 2006, the Reserve Forces Pension Scheme Regulations 2009 and the Reserve Forces Pension Scheme (Amendment) Regulations 2012. These instruments are not statutory instruments and copies of the Regulations can be obtained from CDP REM AFPS Pol 2, 6th Floor, Zone M, Desk 32, Main Building, Whitehall, London SW1A 2HB and from [www.mod.uk](http://www.mod.uk).

(b) S.I. 2006/213; amended by S.I. 2012/757, S.I. 2012/2994, there are other amending instruments but none is relevant.

- (i) for “ordinary or additional statutory paternity pay or” substitute “statutory paternity pay;”;
  - (ii) after “statutory adoption pay,” insert “statutory shared parental pay”;
  - (b) in sub-paragraph (j) after “adoption leave” insert “or shared parental leave”.
- (6) In regulation 36 (calculation of net earnings of employed earners), in paragraph (3)(d)—
- (a) for “ordinary or additional statutory paternity pay or” substitute “statutory paternity pay;”;
  - (b) after “statutory adoption pay” insert “or statutory shared parental pay”.
- (7) In regulation 75E (exception to the benefit cap: current or recent work), in paragraph (4) for “or adoption leave” substitute “, adoption leave or shared parental leave”.

**Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

- 18.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) 2006(a) is amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in the definition of “paternity leave”—
    - (i) omit “ordinary”;
    - (ii) omit “or on additional paternity leave by virtue of section 80AA or 80BB of that Act”;
  - (b) at the appropriate place there is inserted—  
““shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;”.
- (3) In regulation 6 (remunerative work), in paragraph (7) for “or adoption leave” substitute “, adoption leave or shared parental leave”.
- (4) In regulation 29 (meaning of “income”), in paragraph (1)(j)—
- (a) in sub-paragraph (xvi) omit “ordinary”;
  - (b) omit sub-paragraph (xvia);
  - (c) after sub-paragraph (xvii) insert—  
“(xviii) statutory shared parental pay payable under Part 12ZC of the Act;”.
- (5) In regulation 31 (treatment of child care charges)—
- (a) in paragraph (14) for “ or adoption leave” substitute “, adoption leave or shared parental leave”;
  - (b) in paragraph (14)(a) for “or adoption leave” substitute “, adoption leave or shared parental leave”;
  - (c) in paragraph (14)(c)—
    - (i) omit “ordinary”;
    - (ii) omit “additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of the Act,”
    - (iii) after “section 171ZL of the Act” insert “, statutory shared parental pay by virtue of section 171ZU or 171ZV of the Act”;
  - (d) in paragraph (15)(b)—
    - (i) omit “ordinary or additional”;

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(a) S.I. 2006/214; amended by S.I. 2012/757, there are other amending instruments but none is relevant.

- (ii) for “or statutory adoption pay” substitute “, statutory adoption pay or statutory shared parental pay”;
- (e) in paragraph 15(c)—
  - (i) omit “ordinary or additional”;
  - (ii) for “or statutory adoption pay” substitute “, statutory adoption pay or statutory shared parental pay”;
- (6) In regulation 35 (earnings of employed earners), in paragraph (1)—
  - (a) in paragraph (i) omit “ordinary”;
  - (b) omit paragraph (ia);
  - (c) after paragraph (j) insert—  
“(ja)statutory shared parental pay payable under Part 12ZC of the Act;”.
- (7) In regulation 36 (calculation of net earnings of employed earners), in paragraph (2)(d)—
  - (a) omit “ordinary or additional”;
  - (b) for “or statutory adoption pay” substitute “, statutory adoption pay or statutory shared parental pay”.

#### **Local Government Pension Scheme (Administration) (Scotland) Regulations 2008**

- 19.**—(1) The Local Government Pension Scheme (Administration) (Scotland) Regulations 2008(a) is amended as follows.
- (2) In regulation 15 (contributions during child related absence)—
    - (a) in paragraph (1), after “paternity” in both places where that word occurs insert “, shared parental”;
    - (b) in paragraph (4)(a) , after “or adoption leave ” insert “or shared parental leave”;
    - (c) in paragraph (5)—
      - (i) in sub-paragraph (a), at the end insert “or shared parental leave”;
      - (ii) in sub-paragraph (b), after “paternity” insert “, shared parental”;
    - (d) in paragraph (6)—
      - (i) for “Regulations 1999 or” substitute “ “Regulations 1999 ,”
      - (ii) at the end insert “or regulation 37 of the Shared Parental Leave Regulations 2014”;
    - (e) in paragraph (8) after “paternity” insert “, shared parental”;
    - (f) in paragraph (9)—
      - (i) for the defined expression ““period of maternity, paternity or adoption absence”” substitute ““period of maternity, paternity, shared parental or adoption absence””;
      - (ii) in that defined expression omit sub-paragraph (d);
      - (iii) at the end of that defined expression insert—  
“(e) shared parental leave;”;
      - (iv) at the appropriate place there is inserted—  
““shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;”;
      - (v) in the definition of “statutory pay” after “paternity” insert “, shared parental”.
  - (3) In regulation 35 (employer’s contributions), in paragraph (6), in sub-paragraph (b), after “paternity” insert “, shared parental”.

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(a) S.S.I. 2008/228; amended by S.S.I. 2012/347 and 2014/233; there are other amending instruments but none is relevant.

## **Employment and Support Allowance Regulations 2008**

**20.**—(1) The Employment and Support Allowance Regulations 2008(a) are amended as follows.

(2) In regulation 1 (citation, commencement and application), paragraph 1(c) is omitted.

(3) In regulation 2 (interpretation), in paragraph (1), in the definition of “paternity leave”—

(a) omit “ordinary”;

(b) omit “or on additional paternity leave by virtue of section 80AA or 80BB of that Act”;

(c) at the appropriate place there is inserted—

““shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;”.

(4) In regulation 43 (circumstances when partners of claimants entitled to an income-related allowance are not regarded as engaged in remunerative work), in paragraph (3), after “paternity leave” insert “, shared parental leave”.

(5) Regulation 82 (effect of additional statutory paternity pay on a contributory allowance) is omitted.

(6) After regulation 82 insert—

### **“Effect of statutory shared parental pay on a contributory allowance**

**82A.**—(1) This regulation applies where—

(a) a claimant is entitled to statutory shared parental pay and, on the day immediately preceding the first day in the shared parental pay period—

(i) is in a period of limited capability for work; and

(ii) satisfies the conditions for a contributory allowance in accordance with section 1(2)(a) of the Act; and

(b) on any day during the statutory shared parental pay period—

(i) that claimant is in a period of limited capability for work; and

(ii) that day is not a day where that claimant is treated as not having limited capability for work.

(2) Where this regulation applies, notwithstanding section 20(6) of the Act, a claimant who is entitled to statutory shared parental pay is to be entitled to a contributory allowance in respect of any day that falls within the shared parental pay period.

(3) Where by virtue of paragraph (2) a person is entitled to a contributory allowance for any week (including part of a week), the total amount of such benefit payable to that claimant for that week is to be reduced by an amount equivalent to any statutory shared parental pay to which that claimant is entitled in accordance with Part 12ZC of the Contributions and Benefits Act for the same week (or equivalent part of a week where entitlement to a contributory allowance is for part of a week) and only the balance, if any, of the contributory allowance is to be payable to that claimant.

(4) In this regulation “statutory shared parental pay period” means the weeks in respect of which statutory shared parental pay is payable to a person under section 171ZY(2) of the Social Security Contributions and Benefits Act 1992.”.

(7) In regulation 95 (earnings of employed earners), in paragraph (2(b), after “paternity leave” insert “, shared parental leave”.

(8) In Schedule 6 (housing costs), in paragraph 2(5) after “paternity leave” insert “, shared parental leave”.

(9) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—

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(a) S.I. 2008/794 amended by S.I.2013/630; there are other amending instruments but none is relevant.

- (a) in paragraph 4 after “paternity leave” insert “shared parental leave”;
- (b) in paragraph 5 after “paternity leave” insert “shared parental leave”.

**Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No. 2) Order 2010**

**21.**—(1) The Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No. 2) Order 2010(a) is amended as follows.

- (2) In article 2 (interpretation)—
  - (a) omit the definition of “additional paternity leave”;
  - (b) in the definition of “ordinary paternity leave” omit the word “ordinary”;
  - (c) after the definition of “service debt” insert—  
““shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996.”.
- (3) In article 6 (redundancy reckonable service)—
  - (a) after paragraph (2)(f) insert—  
“(ff) on paid shared parental leave;”
  - (b) in paragraph (2)(g), omit “ordinary paternity leave or on paid additional”.
- (4) In article 21 (maternity, adoption and paternity leave)—
  - (a) In paragraph (1)(a)—
    - (i) after “maternity leave,” insert “paid shared parental leave”;
    - (ii) for the words “paid ordinary paternity leave, paid additional paternity leave” substituted “paid paternity leave”.
  - (b) in paragraph (1)(b)—
    - (i) after “additional maternity leave” insert “shared parental leave, ”;
    - (ii) omit “ordinary paternity leave, additional”.

**Teachers’ Pensions Regulations 2010**

**22.**—(1) The Teachers’ Pensions Regulations 2010(b) are amended as follows.

- (2) In regulation 7 (employment not pensionable: general), in paragraph (2)—
  - (a) in sub-paragraph (b)—
    - (i) after “parental,” insert “shared parental or”;
    - (ii) omit “or additional paternity”;
  - (b) in sub-paragraph (c)—
    - (i) omit “, or additional statutory paternity pay”;
    - (ii) at the end insert “or statutory shared parental pay”.
- (3) In regulation 15 (contributable salary), in paragraph (2)—
  - (a) in sub-paragraph (b)—
    - (i) omit “additional paternity, ”;
    - (ii) after “parental” insert “, shared parental”;
  - (b) in sub-paragraph (c)—
    - (i) omit “additional paternity, ”;

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(a) S.I. 2010/832; amended by S.I. 2011/208.

(b) S.I. 2010/990; amended by S.I. 2011/614.

- (ii) for “or adoption leave” substitute “shared parental or adoption leave”.
- (4) In regulation 22 (entitlement to repayment of balance of contributions), in paragraph (3)—
  - (a) omit “additional paternity,”;
  - (b) after “parental” insert “, shared parental”.
- (5) In regulation 40 (average salary : supplemental), in paragraph (9)(a)—
  - (a) after “parental,” insert “ shared parental or”;
  - (b) omit “or additional paternity”.
- (6) In regulation 43 (calculation of reckonable service where pensionable employment is part time), in paragraph (4)(b)—
  - (a) omit “, additional paternity”;
  - (b) for “or adoption leave” substitute “, shared parental or adoption leave”.
- (7) In regulation 95 (adult pensions: short term rate), in paragraph (2)(a)—
  - (a) omit “, additional paternity”;
  - (b) for “or adoption leave” substitute “, shared parental or adoption leave”.
- (8) In regulation 98 (child pensions: short term rate), in paragraph (3)(a)—
  - (a) omit “, additional paternity”;
  - (b) for “or adoption leave” substitute “ shared parental or adoption leave”.
- (9) In regulation 131 (employers: records etc.), in paragraph (1)(g)—
  - (a) omit “, additional paternity”;
  - (b) after “parental” insert “, shared parental”.
- (10) In Schedule 1 (glossary of expressions)—
  - (a) omit the words “ additional paternity leave” and the meaning ascribed to that expression;
  - (b) omit the words “additional statutory paternity pay” and the meaning ascribed to that expression;
  - (c) after the entry for the expression “section 9(2)(B) rights” insert—

“shared parental leave	leave under section 75E or 75G of the Employment Rights Act 1996.”
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- (d) after the entry for the expression “state pensionable age” insert—

“statutory shared parental pay	statutory shared parental pay payable in accordance with Part 12ZC of the Social Security Contributions and Benefits Act 1992.”
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## Council Tax Reduction (Scotland) Regulations 2012

- 23.—(1) The Council Tax Reduction (Scotland) Regulations 2012(a) are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1)—
    - (a) omit the definition of “additional statutory paternity pay”;
    - (b) omit the definition of “ordinary statutory paternity pay”;
    - (c) in the definition of “paternity leave”—
      - (i) omit “ordinary”;

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(a) S.S.I. 2012/303 amended by S.S.I. 2013/48; there are other amending instruments but none is relevant.

- (ii) omit “or on additional paternity leave by virtue of section 80AA or 80BB of that Act”;
- (d) at the appropriate places there is inserted—
  - ““shared parental leave” means leave by virtue of section 75E or 75G of the Employment Rights Act 1996;”; and
  - ““statutory shared parental pay” means statutory shared parental pay under section 171ZU or 171ZV of the 1992 Act;”.
- (3) In regulation 6 (remunerative work), in paragraph (7) after “paternity leave” insert “, shared parental leave”.
- (4) In regulation 28 (treatment of child care charges)—
  - (a) in paragraph (15)—
    - (i) after “paternity leave” in both places where those words appear insert “, shared parental leave”;
    - (ii) for “ordinary statutory paternity pay” substitute “statutory paternity pay”;
    - (iii) omit “, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of the 1992 Act”;
    - (iv) for “statutory adoption pay” substitute “statutory shared parental pay, statutory adoption pay”;
  - (b) in paragraph (16)—
    - (i) after “paternity leave” insert “, shared parental leave”;
    - (ii) omit “ordinary or additional” in both places where those words appear;
    - (iii) for “or statutory adoption pay ends” in both places where those words appear substitute “, statutory shared parental pay or statutory adoption pay ends”.
- (5) In regulation 34 (earnings of employed earners) –
  - (a) in paragraph (1)(j)—
    - (i) omit “ordinary or additional”;
    - (ii) for “or statutory adoption pay” substitute “, statutory shared parental pay or statutory adoption pay”;
  - (b) in paragraph (1)(k), after “paternity leave” insert “, shared parental leave”.
- (6) In regulation 35 (calculation of net earnings of employed earners), in paragraph (3)(d)—
  - (a) omit “ordinary or additional”;
  - (b) for “or statutory adoption pay” substitute “, statutory shared parental pay or statutory adoption pay”.

### **Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012**

- 24.**—(1) The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012(a) are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1)—
    - (a) omit the definition of “additional statutory paternity pay”;
    - (b) omit the definition of “ordinary statutory paternity pay”;
    - (c) in the definition of “paternity leave”—
      - (i) omit “ordinary”;
      - (ii) omit “or on additional paternity leave by virtue of sections 80AA or 80BB of that Act”;

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(a) S.S.I. 2012/319; there are other amending instruments but none is relevant.

- (d) at the appropriate places there is inserted—
  - (i) ““shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;”;
  - (ii) ““statutory paternity pay” means statutory paternity pay under section 171ZA or 171ZB of the 1992 Act;”;
  - (iii) ““statutory shared parental pay” means statutory shared parental pay under section 171ZU or 171ZV of the 1992 Act;”.

(3) In regulation 6 (remunerative work), in paragraph (7), after “paternity leave” insert “, shared parental leave”.

(4) In regulation 27 (meaning of “income”), in paragraph (1)(j)—

- (a) in sub-paragraph (xviii) for “ordinary statutory paternity pay or additional statutory paternity pay” substitute “statutory paternity pay”;
- (b) after sub-paragraph (xviii) insert—  
“(xviiiia) statutory shared parental pay;”.

(5) In regulation 29 (treatment of child care charges)—

- (a) in paragraph (15)—
  - (i) after “paternity leave” in both places where those words appear insert “, shared parental leave”;
  - (ii) for “ordinary statutory paternity pay” substitute “statutory paternity pay”
  - (iii) omit “, additional statutory paternity pay”;
  - (iv) for “statutory adoption pay” substitute “statutory shared parental pay, statutory adoption pay”;
- (b) in paragraph (16)—
  - (i) after “paternity leave” insert “, shared parental leave”;
  - (ii) for “ordinary statutory paternity pay” in both places where those words appear substitute “statutory paternity pay”;
  - (iii) omit “, additional statutory paternity pay” in both places where those words appear;
  - (iv) for “or statutory adoption pay ends” in both places where those words appear, substitute “, statutory shared parental pay or statutory adoption pay ends”.

(6) In regulation 32 (earnings of employed earners), in paragraph (1)—

- (a) in sub-paragraph (i) for “ordinary statutory paternity pay or additional statutory paternity pay” substitute “statutory paternity pay”;
- (b) after sub-paragraph (i) insert—  
“(ia)statutory shared parental pay;”.

(7) In regulation 33 (calculation of net earnings of employed earners), in paragraph (2)(d)—

- (a) for “ordinary statutory paternity pay” substitute “statutory paternity pay”;
- (b) omit “, additional statutory paternity pay”;
- (c) for “or statutory adoption pay” substitute “, statutory shared parental pay or statutory adoption pay”.

## **Education (Specified Work) (England) Regulations 2012**

**25.** In regulation 3 of the Education (Specified Work) (England) Regulations 2012(a), paragraph (2) (a)(iii) is amended as follows—

- (a) “80AA,” and “80BB,” are omitted;

(a) S.I. 2012/762.

- (b) after sub-paragraph (iv) the following paragraph is added—  
    “(v) the right to shared parental leave conferred by section 75E or 75G of the ERA 1996;”.

### **Armed Forces (Enhanced Learning Credit Scheme and Further and Higher Education Commitment Scheme) Order 2012**

**26.**—(1) The Armed Forces (Enhanced Learning Credit Scheme and Further and Higher Education Commitment Scheme) Order 2012(a) is amended as follows.

- (2) In regulation 2 (interpretation)—  
    (a) omit the definition of “additional paternity leave”;  
    (b) in the definition of “ordinary paternity leave”, omit the word “ordinary”;  
    (c) after the definition of “the Scheme administrator” insert—  
        ““shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;”  
    (d) in the definition of “qualifying service”—  
        (i) “for “ordinary paternity leave” substitute “paternity leave”;  
        (ii) after “paternity leave” insert “shared parental leave”.

### **Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012**

**27.**—(1) The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012(b) is amended as follows.

- (2) In regulation 2 (interpretation), in paragraph (1)—  
    (a) in the definition of “paternity leave”—  
        (i) omit “ordinary”;  
        (ii) omit “or on additional paternity leave by virtue of section 80AA or 80BB of that Act”;  
    (b) at the appropriate place there is inserted—  
        ““shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;”.
- (3) In regulation 10 (remunerative work), in paragraph (7), after “paternity leave” insert “, shared parental leave”.
- (4) In Schedule 1 (pensioners), in Part 6 (income and capital)—  
    (a) in paragraph 16 (meaning of “income”—  
        (i) in sub-paragraph (1)(j)(xvi) omit “ordinary”;  
        (ii) omit sub-paragraph (1)(j)(xvii);  
        (iii) after subparagraph (1)(j)(xvi) insert—  
            “(xvia) statutory shared parental pay under Part 12ZC of that Act;”;  
    (b) in paragraph 18 (earnings of employed earners)—  
        (i) in sub-paragraph (1)(j) omit “ordinary”;  
        (ii) omit sub-paragraph (1)(k);  
        (iii) after sub-paragraph (1)(j) insert—  
            “(ja)statutory shared parental pay under Part 12ZC of that Act;”;

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(a) S.I. 2012/1796.

(b) S.I. 2012/2885.

- (c) in paragraph 19 (calculation of net earnings of employed earners), in sub-paragraph (2)(d) for “ordinary or additional statutory paternity pay” substitute “statutory paternity pay, statutory shared parental pay”;
- (d) in paragraph 25 (treatment of child care charges), in sub-paragraph (14)—
  - (i) after “paternity leave” in both places where those words occur insert “, shared parental leave”;
  - (ii) omit “ordinary”;
  - (iii) omit “additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act”;
  - (iv) after “under section 35 of that Act” insert “, statutory shared parental pay by virtue of section 171ZU or 171ZV of that Act”;
- (e) in paragraph 25, in sub-paragraph (15)—
  - (i) after “paternity leave” insert “, shared parental leave”;
  - (ii) for “or statutory adoption pay ends” in both places where those words occur substitute “statutory shared paternity pay or statutory adoption pay ends”.

### **Universal Credit Regulations 2013**

- 28.**—(1) The Universal Credit Regulations 2013(a) are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) the definition of “additional statutory paternity pay” is omitted;
  - (b) in the definition of “ordinary statutory paternity pay” the word “ordinary” is omitted in both places where it occurs;
  - (c) after the definition of “statutory maternity pay” insert—  
““statutory shared parental pay” means statutory shared parental pay payable in accordance with Part 12ZC of the Contributions and Benefits Act;”.
- (3) In regulation 32 (the work condition), in paragraph (2)(b)—
- (a) the word “ordinary” is omitted;
  - (b) omit “additional statutory paternity pay.”;
  - (c) after “statutory adoption pay” insert “, statutory shared parental pay”.
- (4) In regulation 55 (employed earnings), in paragraph (4)—
- (a) in sub-paragraph (c) omit “ordinary”;
  - (b) omit sub-paragraph (d);
  - (c) in sub-paragraph (e) at the end for “.” substitute “; and”;
  - (d) after sub-paragraph (e) insert—  
“(f) statutory shared parental pay.”.

### **Jobseeker’s Allowance Regulations 2013**

- 29.**—(1) The Jobseeker’s Allowance Regulations 2013(b) are amended as follows.
- (2) In regulation 2 (general interpretation) in paragraph (2), at the appropriate place there is inserted—  
““shared parental leave” means a period of absence from work on leave by virtue of section 75E or 75G of the Employment Rights Act 1996;”.

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(a) S.I. 2013/376.

(b) S.I. 2013/378; there are other amending instruments but none is relevant.

(3) In regulation 43 (persons treated as engaged in remunerative work), in paragraph (1) after “paternity leave,” insert “shared parental leave.”.

(4) In regulation 58 (earnings of employed earners), in paragraph (2)(c), after “paternity leave” insert “, shared parental leave”.

## **Employment and Support Allowance Regulations 2013**

**30.**—(1) The Employment and Support Allowance Regulations 2013(a) are amended as follows.

(2) Omit regulation 75 (effect of additional statutory paternity pay on employment and support allowance).

(3) After regulation 75 insert—

### **“Effect of statutory shared parental pay on an employment and support allowance**

**75A.**—(1) This regulation applies where—

(a) a claimant is entitled to statutory shared parental pay and, on the day immediately preceding the first day in the shared parental pay period the claimant—

(i) is in a period of limited capability for work; and

(ii) satisfies the conditions of entitlement to an employment and support allowance in accordance with section 1(2)(a) of the Act; and

(b) on any day during the statutory shared parental pay period—

(i) that claimant is in a period of limited capability for work; and

(ii) that day is not a day where that claimant is treated as not having limited capability for work.

(2) Where this regulation applies, notwithstanding section 20(6) of the Act, a claimant who is entitled to statutory shared parental pay is to be entitled to an employment and support allowance in respect of any day that falls within the shared parental pay period.

(3) Where by virtue of paragraph (2) a person is entitled to an employment and support allowance for any week (including part of a week), the total amount of such benefit payable to that claimant for that week is to be reduced by an amount equivalent to any statutory shared parental pay to which that claimant is entitled in accordance with Part 12ZC of the Contributions and Benefits Act for the same week (or equivalent part of a week where entitlement to an employment and support allowance is for part of a week), and only the balance, if any, of the employment and support allowance is to be payable to that claimant.

(4) In this regulation “statutory shared parental pay period” means the weeks in respect of which statutory shared parental pay is payable to a person under section 171ZY(2) of the Social Security Contributions and Benefits Act 1992.”.

(4) In regulation 80 (earnings of employed earners)—

(a) in paragraph (2)(b)—

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

(ii) after “Employment Rights Act 1996” insert “, shared parental leave under section 75E or 75G of that Act”.

(b) in paragraph (4), in the definition of “paternity leave”—

(i) omit “ordinary”;

(ii) omit “or on additional paternity leave by virtue of section 80AA or 80BB of that Act”.

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(a) S.I. 2013/379.

## **Local Government Pension Scheme Regulations 2013**

- 31.**—(1) The Local Government Pension Scheme Regulations 2013(a) are amended as follows.
- (2) In regulation 15 (employer contributions during absences), in paragraph (4), in subparagraph (b)—
- (a) omit “, or additional paternity leave”;
  - (b) after “additional adoption leave” insert “or shared parental leave”.
- (3) In regulation 16 (additional pension contributions), in paragraph (17)(a)—
- (a) omit “, or additional paternity leave”;
  - (b) after “additional adoption leave” insert “or shared parental leave”
- (4) In Schedule 1 (interpretation)—
- (a) omit the definition of “additional paternity leave”;
  - (b) in the definition of “child-related leave”—
    - (i) omit “(e) additional paternity leave during which the member receives some pensionable pay;”
    - (ii) at the end insert—  
“(f) shared parental leave during which the member receives some pensionable pay;”.
  - (c) in the definition of “statutory pay” after “paternity” insert “, shared parental”;
  - (d) at the appropriate place there is inserted—  
““shared parental leave” means leave under the Shared Parental Leave Regulations 2014;”.

## **Teachers’ Pension Schemes Regulations 2014**

- 32.**—(1) The Teachers’ Pension Schemes Regulations 2014(b) are amended as follows.
- (2) In regulation 3 (interpretation)—
- (a) omit the definition of “additional paternity leave”;
  - (b) in the definition of “non-pensionable family leave”—
    - (i) after “parental leave,” insert “shared parental leave or”
    - (ii) omit “additional paternity leave”.
  - (c) in the definition of “statutory pay”—
    - (i) omit paragraph (b);
    - (ii) after paragraph (b) insert—  
“(c) statutory shared parental pay payable in accordance with Part 12ZC of the Social Security Contributions and Benefits Act 1992;”
  - (d) at the appropriate place there is inserted—  
““shared parental leave” has the meaning given in regulation 3(1) of the Shared Parental Leave Regulations 2014;” .
- (3) In regulation 23 (service not pensionable unless member is entitled to pay), in paragraph (1)(b)—
- (a) after “parental leave,” insert “shared parental leave or”;
  - (b) omit “or additional paternity leave”.

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(a) S.I. 2013/2356.

(b) S.I. 2014/512.

- (4) In regulation 33 (interpretation), in paragraph (b) of the definition of “notional pensionable earnings”—
  - (a) after “parental leave,” insert “shared parental leave or”;
  - (b) omit “or additional paternity leave”.
- (5) In regulation 34 (pensionable earnings for school teachers), in paragraph (2)(c)—
  - (a) omit “additional paternity leave,”;
  - (b) after “parental leave,” insert “shared parental leave”.
- (6) In regulation 39 (pensionable earnings for the purpose of accruing benefits), in paragraph (a)—
  - (a) after “parental leave,” insert “shared parental leave or”;
  - (b) omit “or additional paternity leave”.
- (7) In regulation 143 (annual rate of surviving adult pension: short term), in paragraph (2)(a)—
  - (a) omit “additional paternity leave”;
  - (b) for “or adoption leave” substitute “shared parental leave or adoption leave”.
- (8) In regulation 150 (annual rate of child pension: short term), in paragraph (2)(a)—
  - (a) omit “additional paternity leave”
  - (b) for “or adoption leave” substitute “shared parental leave or adoption leave”.
- (9) In regulation 184 (pensionable earnings for a pay period), in paragraph (4) after “adoption leave” insert “, shared parental leave”.
- (10) In regulation 189 (entitlement to repayment of balance of contributions), in paragraph (3)—
  - (a) omit “additional paternity leave,”;
  - (b) after “parental leave” insert “, shared parental leave”.
- (11) In regulation 219 (employment records), in paragraph (2)(f)—
  - (a) omit “additional paternity leave,”;
  - (b) after “parental leave” insert “, shared parental leave”.

## **Armed Forces Pensions Regulations 2014**

- 33.**—(1) The Armed Forces Pensions Regulations 2014(a) are amended as follows.
- (2) In regulation 3 (interpretation)—
- (a) omit the definition of “additional paternity leave”;
  - (b) in the definition of “ordinary paternity leave” omit the word “ordinary”;
  - (c) after the definition of “sending scheme” insert—  
““shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;”.
- (3) For paragraph (2)(b) of regulation 24 (meaning of “assumed pay”) substitute—  
“(b) is on ordinary adoption leave, ordinary maternity leave, paternity leave or paid shared parental leave;”.

## **Firefighters’ Pension Scheme (England) Regulations 2014**

- 34.**—(1) The Firefighters’ Pension Scheme (England) Regulations 2014(b) are amended as follows.
- (2) In regulation 3 (interpretation)—

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(a) S.I. 2014/2336.  
(b) S.I. 2014/2848.

- (a) omit the definition of “additional paternity leave”;
  - (b) in the definition of “child related leave”—
    - (i) omit paragraph (e);
    - (ii) at the end insert of paragraph (f) insert “or”;
    - (iii) at the end insert—
      - “(g) shared parental leave;”;
  - (c) in the definition of “statutory pay”—
    - (i) in paragraph (c) omit “ordinary”;
    - (ii) omit paragraph (d);
    - (iii) at the end insert—
      - “(e) statutory shared parental pay within the meaning section 171ZU (entitlement: birth) and section 171ZV (entitlement: adoption) of the Social Security Contributions and Benefits Act 1992;”
  - (d) at the appropriate place there is inserted—
    - ““shared parental leave” means leave under the Shared Parental Leave Regulations 2014.”.
- (3) In regulation 18 (meaning of “assumed pensionable pay”), in paragraph (2)—
- (a) in sub-paragraph (c)—
    - (i) after “additional maternity leave,” insert “shared parental leave or”
    - (ii) omit “or additional paternity leave”;
  - (b) in sub-paragraph (e)—
    - (i) after “additional maternity leave” insert “or shared parental leave”;
    - (ii) omit “or additional paternity leave”.
- (4) In regulation 113 (contributions during child-related leave), in paragraph (3)—
- (a) omit “additional paternity leave.”;
  - (b) after “additional adoption leave” insert “, shared parental leave”.

### **Transitional provisions**

**35.**—(1) The amendments made by this Order in those articles which come into force on 5th April 2015 in accordance with 1(3) (amendments relating to references to ordinary and additional paternity leave and to ordinary and additional statutory paternity pay) do not have effect in relation to—

- (a) ordinary statutory paternity pay which is paid;
- (b) additional statutory paternity pay which is paid;
- (c) a period in respect of which additional statutory paternity pay is payable which begins, or continues;
- (d) ordinary paternity leave which is taken; or
- (e) additional paternity leave which is taken;

on or after 5th April 2015.

(2) In this article—

“additional paternity leave” means leave under section 80AA or 80BB of the Employment Rights Act 1996(a);

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(a) 1996 c.18; section 80AA and 80BB were inserted by the Work and Families Act 2006 (c.18), section 3.

“additional statutory paternity pay” means pay under section 171ZEA or 171ZEB of the Social Security Contributions and Benefits Act 1992(a);

“ordinary paternity leave” means leave under section 80A or 80B of the Employment Rights Act 1996(b);

“ordinary statutory paternity pay” means pay under section 171ZA or 171ZB of the Social Security Contributions and Benefits Act 1992(c).

**36.** While Northern Ireland legislation contains provision corresponding to the provision in Part 12ZA of the Social Security Contributions and Benefits Act 1992 about additional statutory paternity pay as it had effect before the coming into force of paragraph (2) of section 125 (abolition of additional statutory paternity pay) of the Children and Families Act 2014 the reference to “statutory paternity pay” in—

- (a) paragraph 4A of Schedule 9 to the Income Support (General) Regulations 1987 as amended by article 5(6)(b)(i) of this Order,
- (b) paragraph 5 of Schedule 7 to the Jobseekers Allowance Regulations 1996 as amended by article 7(6)(b)(i),
- (c) regulation 35(1)(i) and 36(3)(d) of the Housing Benefit Regulations 2006 as amended by article 17(5)(a)(i) and (6)(a),
- (d) regulation 29(1)(j)(xvi) and 36(2)(d) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 as amended by article 18(4)(a) and (7)(a),
- (e) paragraph 16(1)(j)(xvi) of Schedule 1 to Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 as amended by article 27(4)(a)(i),

is to be treated as including a reference to “ordinary statutory paternity pay” and “additional statutory paternity pay” and those terms must be construed in accordance with any Northern Ireland legislation which corresponds to Part 12ZA of the Social Security Contributions and Benefits Act 1992, as that Part had effect before the coming into force of section 125(2) of the Children and Families Act 2014.

### **Provisions coming into force on 31st December 2014**

**37.** The provisions specified in article 1(2) are—

- (a) this article;
- (b) article 1;
- (c) article 2;
- (d) article 3;
- (e) article 4;
- (f) article 5(1), (2)(b), (3), (4) and (6)(a) and (b)(ii);
- (g) article 6;
- (h) article 7(1), (2)(c), (3), (4), (5) and (6)(a)(ii) and (iii) and (b)(ii);
- (i) article 8;
- (j) article 9;
- (k) article 10(1), (2)(b), (3)(b), (4)(c) and (5);
- (l) article 11(1), (2)(e) and (4);
- (m) article 12(1), (2)(a)(iii) and (3)(b);
- (n) article 15(1), (2)(a)(iii), (4) and (5);

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(a) 1992 c.4; section 171ZEA and 171ZEB were inserted by the Work and Families Act 2006, section 7.

(b) Section 80A and 80B were inserted by the Employment Act 2002 (c.22), section 1.

(c) Section 171ZA and 171ZB were inserted by the Employment Act 2002, section 2.

- (o) article 17(1), (2)(c), (3), (4)(a), (b), (c)(iii), (d)(ii) and (e)(ii), (5)(a)(ii) and (b), (6)(b) and (7);
  - (p) article 18(1), (2)(b), (3), (4)(c), (5)(a), (b), (c)(iii), (d)(ii) and (e)(ii), (6)(c) and (7)(b);
  - (q) article 19(1), (2)(a), (b), (c), (d), (e), (f)(i), (iii), (iv) and (v) and (3);
  - (r) article 20(1), (3)(c), (4), (6), (7), (8) and (9);
  - (s) article 21(1), (2)(c), (3)(a) and (4)(a)(i) and (b)(i);
  - (t) article 22(1), (2)(a)(i) and (b)(ii), (3)(a)(ii) and (b)(ii), (4)(b), (5)(a), (6)(b), (7)(b), (8)(b), (9)(b) and (10)(c) and (d);
  - (u) article 23(1), (2)(d), (3), (4)(a)(i) and (iv) and (b)(i) and (iii), (5)(b) and (c) and (6)(b);
  - (v) article 24(1), (2)(d)(i) and (iii), (3), (4)(b), (5)(a)(i) and (iv) and (b)(i) and (iv), (6)(b) and (7)(c);
  - (w) article 25(b);
  - (x) article 26(1) and (2)(c) and (d)(ii);
  - (y) article 27(1), (2)(b), (3), (4)(a)(iii), (b)(iii), (c), (d)(i) and (iv) and (e);
  - (z) article 28(1), (2)(c), (3)(c) and (4)(c) and (d);
  - (aa) article 29;
  - (bb) article 30(1), (3) and (4)(a);
  - (cc) article 31(1), (2)(b), (3)(b) and (4)(b)(ii), (c) and (d);
  - (dd) article 32(1), (2)(b)(i), (c)(ii) and (d), (3)(a), (4)(a), (5)(b), (6)(a), (7)(b), (8)(b), (9), (10)(b) and (11)(b);
  - (ee) article 33(1), (2)(c) and (3);
  - (ff) article 34(1), (2)(b)(ii) and (iii), (c)(iii) and (d), (3)(a)(i) and (b)(i) and 4(b);
  - (gg) article 35;
  - (hh) article 36.

Jo Swinson

Parliamentary Under Secretary for Employment Relations and Consumer Affairs  
9th November 2014 Department for Business, Innovation and Skills

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes amendments to secondary legislation in consequence of Part 7 of the Children and Families Act 2014 which makes provision for new entitlements to shared parental leave and statutory shared parental pay in place of additional paternity leave and additional statutory paternity pay.

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