STATUTORY INSTRUMENTS

2025 No. 201

TERMS AND CONDITIONS OF EMPLOYMENT

The Neonatal Care Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2025

Made - - - - at 10:30 a.m. on 24th February 2025

Laid before Parliament at 4:00 p.m. on 24th February 2025

Coming into force - - 6th April 2025

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(1) of the Neonatal Care (Leave and Pay) Act 2023(**a**).

In respect of provisions relating to housing benefit, in accordance with section 176(1) of the Social Security and Administration Act 1992(**b**) the Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Neonatal Care Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2025.

(2) These Regulations come into force on 6th April 2025.

(3) An amendment made by these Regulations has the same extent as the provision amended.

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

Amendment to the Social Security (Credits) Regulations 1975

2.—(1) The Social Security (Credits) Regulations 1975(**c**) are amended as follows.

(2) In regulation 9C (credits for adoption pay period, shared parental pay period, parental bereavement pay period, additional paternity pay period and maternity pay period)—

(a) in the heading, after "parental bereavement pay period," insert "neonatal care pay period,";

(b) in paragraph (2)—

(i) at the end of sub-paragraph (d), insert "; or";

(ii) after sub-paragraph (d), insert—

(**a**) 2023 c. 20.

(**b**) 1992 c. 5. Section 176(1) amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraph 3(4) of Schedule 13 to the Housing Act 1996 (c. 52), section 69(6) of the Child Support, Pensions and Social Security Act 2000 (c. 19) and Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5).

(**c**) S.I. 1975/556; amended by S.I. 1988/516, S.I. 2003/521., S.I. 2012/766, S.I. 2014/3255 and S.I. 2020/354.

"(e) the neonatal care pay period in respect of which statutory neonatal care pay is paid to a person.";

(c) in paragraph (5)—

(i) at the end of sub-paragraph (b), omit "or";

(ii) after sub-paragraph (c), insert—

"(d) "statutory neonatal care pay" means statutory neonatal care pay payable in accordance with Part 12ZE of that Act and "neonatal care pay period" means the weeks in respect of which statutory neonatal care pay is payable to a person under section 171ZZ19(2) of that Act.".

Amendment to the Statutory Sick Pay (General) Regulations 1982

3.—(1) The Statutory Sick Pay (General) Regulations 1982(**a**) are amended as follows.

(2) In regulation 17 (meaning of "earnings"), in paragraph (3)—

(a) at the end of sub-paragraph (l), for "." substitute ";";

(b) after sub-paragraph (l), insert—

"(m) any sum payable by way of statutory neonatal care pay, including any sums payable in accordance with regulations made under section 171ZZ18(3) of the Contributions and Benefits Act.".

Amendment to the Statutory Maternity Pay (General) Regulations 1986

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

(2) In regulation 20 (meaning of "earnings"), in paragraph (4)—

(a) at the end of sub-paragraph (i), for "." substitute ";";

(b) after sub-paragraph (i), insert—

"(j) any sum payable by way of statutory neonatal care pay, including any sums payable in accordance with regulations made under section 171ZZ18(3) of the Contributions and Benefits Act.".

Amendment to the 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), at the appropriate place insert—

""neonatal care leave" means leave under section 80EF of the Employment Rights Act 1996;".

(3) In regulation 5 (persons treated as engaged in remunerative work), in paragraph (3A), after "shared parental leave" insert ", neonatal care leave".

(4) In regulation 35 (earnings of employed earners), in paragraph (2)(b), after "shared parental leave" insert ", neonatal care leave".

(5) In Schedule 1B (prescribed categories of person) after paragraph 14C insert—

(**a**) S.I. 1982/894; relevant amending instruments are S.I. 1987/868, S.I. 2002/2690, S.I. 2007/1154, S.I. 2014/3255 and S.I. 2020/354.

(**b**) S.I. 1986/1960; relevant amending instruments are S.I. 2002/2690, S.I. 2007/1154, S.I. 2014/3255 and S.I. 2020/354.

(**c**) S.I. 1987/1967; relevant amending instruments are S.I. 1993/2119, S.I. 2002/2689, S.I. 2008/698, S.I. 2012/757, S.I. 2014/3255 and S.I. 2020/354.

"Neonatal Care Leave

14D.—(1) A person who is entitled to, and is taking, neonatal care leave by virtue of section 80EF of the Employment Rights Act 1996 and who satisfies either or both of the conditions set out in sub-paragraph (2) below.

(2) The conditions for the purposes of sub-paragraph (1) are that the person—

(a) is not entitled to statutory neonatal care pay by virtue of Part 12ZE of the Contributions and Benefits Act, or to any remuneration from their employer in respect of that leave for the period to which the claim for income support relates;

(b) is entitled to working tax credit, child tax credit payable at a rate higher than the family element, housing benefit or council tax benefit on the day before that leave begins.

(3) In this paragraph "remuneration" means payment of any kind and "family element" means the amount specified in regulation 7(3) of the Child Tax Credit Regulations 2002 but subject in any case to calculations of that amount made in accordance with the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002.".

(6) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), in paragraph 4—

(a) after "or under Part 12ZD" insert "or 12ZE";

(b) after "shared parental leave" insert ", neonatal care leave".

Amendment to the Jobseeker's Allowance Regulations 1996

6.—(1) The Jobseeker's Allowance Regulations 1996(**a**) are amended as follows.

(2) In regulation 1 (citation, commencement, interpretation and application), in paragraph (3), at the appropriate place insert—

""neonatal care leave" means leave under section 80EF 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)—

(a) after "paternity leave," insert "neonatal care leave,";

(b) for "or 80EA" substitute "80EA or 80EF".

(4) In regulation 52 (persons treated as engaged in remunerative work), in paragraph (1), after "parental bereavement leave" insert ", neonatal care leave".

(5) In regulation 98 (earnings of employed earners), in paragraph (2)(c), after "parental bereavement leave" insert ", neonatal care leave".

(6) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings), in paragraph 4—

(a) after "statutory parental bereavement pay by virtue of Part 12ZD of the Benefits Act," insert "statutory neonatal care pay by virtue of Part 12ZE of the Benefits Act,";

(b) after ", shared parental leave" insert ", neonatal care leave".

(**a**) S.I. 1996/207; relevant amending instruments are S.I. 2002/2689, S.I. 2008/698, S.I. 2012/757, S.I. 2014/3255 and S.I. 2020/354.

Amendment to the Social Security Benefit (Computation of Earnings) Regulations 1996

7.—(1) The Social Security Benefit (Computation of Earnings) Regulations 1996(**a**) are amended as follows.

(2) In regulation 9 (earnings of employed earners)—

(a) in paragraph (1)(j)—

(i) at the end of paragraph (iii), omit "or";

(ii) after paragraph (iii) insert—

"(iiia) on neonatal care leave; or";

(b) in paragraph (4), at the appropriate place insert—

""neonatal care leave" means a period of absence from work on leave under section 80EF of the Employment Rights Act 1996;".

Amendment to the Housing Renewal Grants Regulations 1996

8.—(1) The Housing Renewal Grants Regulations 1996(**b**) are amended as follows.

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

(a) at the appropriate place insert—

""neonatal care leave"means a period of absence from work on leave under section 80EF of the Employment Rights Act 1996;";

(b) in the definition of "parental leave" after "paternity leave" insert ", neonatal care leave".

(3) In regulation 19 (treatment of child care charges), after paragraph (9B)(a)(iii) insert—

"(iiia) statutory neonatal care pay under section 171ZZ16 of that Act,".

(4) In regulation 25 (determination of net earnings of employed earners) in paragraph (3)(d) after "statutory paternity pay" insert ", statutory neonatal care pay".

Amendment to the Social Security (Maternity Allowance) (Earnings) Regulations 2000

9.—(1) The Social Security (Maternity Allowance) (Earnings) Regulations 2000(**c**) are amended as follows.

(2) In regulation 2 (specified payments for employed earners), at the end of paragraph (1)(i) insert—

";

(j) any sum payable by way of statutory neonatal care pay, including any sums payable in accordance with regulations made under section 171ZZ18(3) of the Contributions and Benefits Act.".

Amendment to the Social Security (Loss of Benefit) Regulations 2001

10.—(1) The Social Security (Loss of Benefit) Regulations 2001(**d**) are amended as follows.

(2) In regulation 19A (benefits to be treated as neither sanctionable nor disqualifying) after paragraph (b) insert—

(**a**) S.I. 1996/2745, amended by S.I. 2002/2823; there are other amending instruments but none is relevant.
(**b**) S.I. 1996/2890; relevant amending instruments are S.I. 2003/2504, S.I. 2004/253, S.I. 2005/3323, S.I. 2006/2801 and S.I. 2014/1829.
(**c**) S.I. 2000/688, amended by S.I. 2002/2690, S.I. 2007/1154, S.I. 2014/3255 and S.I. 2020/354.
(**d**) S.I. 2001/4022, amended by S.I. 2010/1160.

"(ba) statutory neonatal care pay;".

Amendment to the State Pension Credit Regulations 2002

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

(2) In regulation 15 (income for the purposes of the Act), in paragraph (1), after sub-paragraph (qc), insert—

"(qd) statutory neonatal care pay payable under Part 12ZE of the 1992 Act;".

(3) In regulation 17A (earnings of an employed earner), in paragraph (2), after sub-paragraph (ic), insert—

"(id) statutory neonatal care pay payable under Part 12ZE of the 1992 Act;".

(4) In Schedule II (housing costs), in paragraph 2 (remunerative work), in sub-paragraph (7), after "parental bereavement leave" insert ", neonatal care leave,".

Amendment to the Housing Benefit Regulations 2006

12.—(1) The Housing Benefit Regulations 2006(**b**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of "employed earner"—

(i) after "statutory sick pay" for "or" substitute ",";

(ii) after "statutory maternity pay" insert "or statutory neonatal care pay";

(b) at the appropriate place, insert—

""neonatal care leave" means leave under section 80EF of the Employment Rights Act 1996;".

(3) In regulation 6 (remunerative work), in paragraph (7), after "parental bereavement leave" insert ", neonatal care leave".

(4) In regulation 28 (treatment of child care charges), in paragraph (14)—

(a) in sub-paragraph (a), after "parental bereavement leave" insert ", neonatal care leave";

(b) in sub-paragraph (a)(i), after "parental bereavement leave" insert ", neonatal care leave";

(c) in sub-paragraph (a)(iii), after "statutory shared parental pay by virtue of section 171ZU or 171ZV of the Act" insert ", statutory neonatal care pay by virtue of section 171ZZ16 of the Act";

(d) in sub-paragraph (b), after "parental bereavement leave" insert ", neonatal care leave";

(e) in sub-paragraph (b)(ii), after "statutory shared parental pay" insert ", statutory neonatal care pay";

(f) in sub-paragraph (b)(iii), after "statutory shared parental pay" insert ", statutory neonatal care pay".

(5) In regulation 35 (earnings of employed earners), in paragraph (1)(i), after "statutory parental bereavement pay" insert ", statutory neonatal care pay".

(6) In regulation 36 (calculation of net earnings of employed earners), in paragraph (3)(d), after "statutory shared parental pay" insert ", statutory neonatal care pay".

(7) In regulation 75E (exception to the benefit cap: current or recent work), in paragraph (4), in the words after sub-paragraph (b), after "shared parental leave" insert ", neonatal care leave".

(**a**) S.I. 2002/1792; relevant amending instruments are S.I. 2003/2274, S.I. 2012/757, S.I. 2014/3255 and S.I. 2020/354.
(**b**) S.I. 2006/213; relevant amending instruments are S.I. 2012/757, S.I. 2012/2994, S.I. 2014/3255 and S.I. 2020/354.

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

13.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**a**) are amended as follows.

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

(a) in the definition of "employed earner"—

(i) after "statutory sick pay" for "or" substitute ",";

(ii) after "statutory maternity pay" insert "or statutory neonatal care pay";

(b) at the appropriate place, insert—

""neonatal care leave" means leave under section 80EF of the Employment Rights Act 1996;".

(3) In regulation 6 (remunerative work), in paragraph (7), after "shared parental leave" insert ", neonatal care leave".

(4) In regulation 29 (meaning of "income"), after paragraph (1)(j)(xviiaa) insert—

"(xviiab) statutory neonatal care pay payable under Part 12ZE of the Act;".

(5) In regulation 31 (treatment of child care charges)—

(a) in paragraph (14)—

(i) after "shared parental leave" insert ", neonatal care leave";

(ii) in sub-paragraph (a), after "shared parental leave" insert ", neonatal care leave";

(iii) in sub-paragraph (c), after "statutory shared parental pay by virtue of section 171ZU or 171ZV of the Act" insert ", statutory neonatal care pay by virtue of section 171ZZ16 of the Act";

(b) in paragraph (15)—

(i) after "parental bereavement leave" insert ", neonatal care leave";

(ii) in sub-paragraph (b), after "statutory shared parental pay" insert ", statutory neonatal pay";

(iii) in sub-paragraph (c), after "statutory shared parental pay" insert ", statutory neonatal pay".

(6) In regulation 35 (earnings of employed earners), in paragraph (1), after sub-paragraph (jb) insert—

"(jc) statutory neonatal care pay under Part 12ZE of the Act;".

(7) In regulation 36 (calculation of net earnings of employed earners), in paragraph (2)(d), after "statutory shared parental pay" insert ", statutory neonatal care pay".

Amendment to the Employment and Support Allowance Regulations 2008

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

(2) In regulation 2 (interpretation), in paragraph (1), at the appropriate place insert—

""neonatal care leave" means leave under section 80EF of the Employment Rights Act 1996;".

(**a**) S.I. 2006/214; relevant amending instruments are S.I. 2012/757, S.I. 2014/3255 and S.I. 2020/354.
(**b**) S.I. 2008/794; relevant amending instruments are S.I. 2013/630, S.I. 2014/3255 and S.I. 2020/354.

(3) In regulation 43 (circumstances under which partners of claimants entitled to an income-related allowance are not to be treated as engaged in remunerative work), in paragraph (3)—

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

(b) after "adoption leave", insert "or neonatal care leave".

(4) After regulation 82A (effect of statutory shared parental pay on a contributory allowance), insert—

"Effect of statutory neonatal care pay on a contributory allowance

82B.—(1) This regulation applies where—

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

(i) the 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 neonatal care pay is to be entitled to a contributory allowance in respect of any day that falls within the neonatal care 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 neonatal care pay to which that claimant is entitled in accordance with Part 12ZE of the Social Security Contributions and Benefits Act 1992 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 "neonatal care period" means the weeks in respect of which statutory neonatal care pay is payable to a person under section 171ZZ16 of the Social Security Contributions and Benefits Act 1992.".

(5) In regulation 95 (earnings of employed earners), in paragraph (2)(b)—

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

(b) after "adoption leave" insert "or neonatal care leave".

(6) In Schedule 6 (housing costs), in paragraph 2 (remunerative work), in sub-paragraph (5)—

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

(b) after "adoption leave" insert "or neonatal care leave".

(7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), in paragraph 4—

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

(b) after "adoption leave" insert "or neonatal care leave".

Amendment to the Investment Bank Special Administration Regulations 2011

15.—(1) The Investment Bank Special Administration Regulations 2011(**a**) are amended as follows.

(2) in Schedule 6 (modification and consequential amendments), in Part 1, in the list of secondary legislation in paragraph 1, after "Statutory Parental Bereavement Pay (General) (No. 2) Regulations (Northern Ireland) 2023" insert "Statutory Neonatal Care Pay (General) Regulations 2025".

Amendment to the Education (Specified Work) (England) Regulations 2012

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

(2) In regulation 3 (requirement to be qualified), in paragraph (2), at the end of sub-paragraph (a)(vii)—

(a) omit "or";

(b) insert—

"(viii) the right to neonatal care leave conferred by section 80EF of the ERA 1996; or".

Amendment to the Education (Induction Arrangements for School Teachers) (England) Regulations 2012

17.—(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), in paragraph (2), at the end of sub-paragraph (f)—

(a) for "." substitute ";";

(b) insert—

"(g) the exercise of the right to neonatal care leave conferred by or under section 80EF of the Employment Rights Act 1996;".

Amendment to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

18.—(1) The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012(**d**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1) at the appropriate places insert—

""neonatal care leave" means leave under section 80EF of the Employment Rights Act 1996;";

""statutory neonatal care pay" means a payment to which a person is entitled in accordance with section 171ZZ16 of the SSCBA;".

(3) In regulation 10 (remunerative work), in paragraph (7) after "parental bereavement leave" insert ", neonatal care leave".

(4) In Schedule 1 (pensioners: matters that must be included in an authority's scheme)—

(**a**) S.I. 2011/245, amended by S.I. 2015/17, S.I. 2017/752, S.I. 2019/348, S.I. 2020/354 and S.R. 2023 No.157.
(**b**) S.I. 2012/762, amended by S.I. 2014/3255, S.I. 2020/354 and S.I. 2024/266.
(**c**) S.I. 2012/1115; relevant amending instruments are S.I. 2020/354, S.I. 2021/385 and S.I. 2024/266.
(**d**) S.I. 2012/2885; relevant amending instruments are S.I. 2014/3255, S.I. 2017/1305, S.I. 2017/422, S.I. 2018/1346, S.I. 2020/23, S.I. 2021/29 and S.I. 2023/16.

(a) in paragraph 16 (meaning of "income"), after sub-paragraph (1)(j)(xvib) insert—

"(xvic) statutory neonatal care pay under Part 12ZE of that Act;";

(b) in paragraph 18 (earnings of employed earners), after sub-paragraph (1)(jb) insert—

"(jc) statutory neonatal care pay under Part 12ZE of that Act;";

(c) in paragraph 19 (calculation of net earnings of employed earners), in sub-paragraph (2)(d) after "statutory parental bereavement pay" insert ", statutory neonatal care pay";

(d) in paragraph 25 (treatment of childcare charges), in sub-paragraph (14)—

(i) in the opening words and in paragraph (a), for the words "maternity leave, paternity leave, shared parental leave, parental bereavement leave or adoption leave" substitute "qualifying family leave";

(ii) for paragraph (c) substitute—

"(c) he is entitled to either—

(i) statutory maternity pay under section 164 of the SSCBA,

(ii) statutory paternity pay by virtue of section 171ZA or 171ZB of that Act,

(iii) statutory adoption pay by virtue of section 171ZL of that Act,

(iv) maternity allowance under section 35 of that Act,

(v) statutory shared parental pay by virtue of section 171ZU or 171ZV of that Act,

(vi) statutory parental bereavement pay by virtue of section 171ZZ6 of that Act,

(vii) statutory neonatal care pay by virtue of section 171ZZ16 of that Act, or

(viii) qualifying support.";

(e) in sub-paragraph (15)—

(i) in the opening words, for the words "maternity, paternity leave, shared parental leave, parental bereavement leave or adoption leave" substitute "qualifying family leave";

(ii) in paragraph (b) after "statutory parental bereavement pay" insert ", statutory neonatal care pay";

(iii) in paragraph (c) after "statutory parental bereavement pay" insert ", statutory neonatal care pay";

(f) in sub-paragraph (16), before paragraph (a) insert—

"(za) "qualifying family leave" means any of the following—

(i) adoption leave;

(ii) maternity leave;

(iii) neonatal care leave;

(iv) parental bereavement leave;

(v) paternity leave;

(vi) shared parental leave;".

Amendment to the Universal Credit Regulations 2013

19.—(1) The Universal Credit Regulations 2013(**a**) are amended as follows.

(2) In regulation 2 (interpretation) at the appropriate place insert—

> ""statutory neonatal care pay" means a payment under Part 12ZE of the Contributions and Benefits Act;".

(3) In regulation 32 (the work condition), in paragraph (2)(b), after "statutory parental bereavement pay" insert ", statutory neonatal care pay".

(4) In regulation 55 (employed earnings), in paragraph (4)—

(a) at the end of sub-paragraph (f), omit "and";

(b) at the end of sub-paragraph (g), for "." substitute "; and";

(c) after sub-paragraph (g) insert—

> "(h) statutory neonatal care pay.".

Amendment to the Jobseeker's Allowance Regulations 2013

20.—(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 insert—

> ""neonatal care leave" means a period of absence from work on leave by virtue of section 80EF of the Employment Rights Act 1996;".

(3) In regulation 43 (persons treated as engaged in remunerative work), in paragraph (1), after "parental bereavement leave," insert "neonatal care leave,".

(4) In regulation 58 (earnings of employed earners), in paragraph (2)(c), after "parental bereavement leave" insert ", neonatal care leave".

Amendment to the Employment and Support Allowance Regulations 2013

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

(2) After regulation 75A (effect of statutory shared parental pay on an employment and support allowance), insert—

"Effect of statutory neonatal care pay on an employment and support allowance

75B.—(1) This regulation applies where—

(a) a claimant is entitled to statutory neonatal care pay and, on the day immediately preceding the first day in the neonatal care 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 neonatal care 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.

(**a**) S.I. 2013/376; relevant amending instruments are S.I. 2014/3255 and S.I. 2020/354.
(**b**) S.I. 2013/378; relevant amending instruments are S.I. 2014/3255 and S.I. 2020/354.
(**c**) S.I. 2013/379; relevant amending instruments are S.I. 2014/3255 and S.I. 2020/354.

(2) Where this regulation applies, notwithstanding section 20(7A) of the Act, a claimant who is entitled to statutory neonatal care pay is to be entitled to an employment and support allowance in respect of any day that falls within the statutory neonatal care 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 neonatal care pay to which that claimant is entitled in accordance with Part 12ZE of the Social Security Contributions and Benefits Act 1992 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 neonatal care pay period" means the weeks in respect of which statutory neonatal care pay is payable to a person under section 171ZZ16 of the Social Security Contributions and Benefits Act 1992.".

(3) In regulation 80 (earnings of employed earners), in paragraph (2)(b), after "parental bereavement leave under section 80EA of that Act" insert ", neonatal care leave under section 80EF of that Act".

Amendment to the Legal Aid (Information about Financial Resources) Regulations 2013

22.—(1) The Legal Aid (Information about Financial Resources) Regulations 2013(**a**) are amended as follows.

(2) In regulation 7 (prescribed benefits)—

(a) at the end of paragraph (c), omit "and";

(b) at the end of paragraph (d), for "." substitute "; and";

(c) after paragraph (d), insert—

"(e) statutory neonatal care pay under Part 12ZE of the 1992 Act.".

Amendment to the Local Government Pension Scheme Regulations 2013

23.—(1) The Local Government Pension Scheme Regulations 2013(**b**) are amended as follows.

(2) In regulation 15 (employer contributions during absences), in paragraph (4)(b), after "additional adoption leave," insert "neonatal care leave,".

(3) In regulation 16 (additional pension contributions), in paragraph (17)(a), after "additional adoption leave," insert "neonatal care leave,".

(4) In Schedule 1 (interpretation)—

(a) in the definition of "child-related leave"—

(i) at the end of paragraph (f), omit "or";

(ii) at the end of paragraph (g), insert "or";

(iii) after paragraph (g), insert—

"(h) neonatal care leave during which the member receives some pensionable pay;";

(b) at the appropriate place insert—

(**a**) S.I. 2013/628, to which there are amendments not relevant to these Regulations.
(**b**) S.I. 2013/2356; relevant amending instruments are S.I. 2014/3255, S.I. 2015/755, S.I. 2018/493 and S.I. 2020/354.

""neonatal care leave" means leave under section 80EF of the Employment Rights Act 1996;";

(c) in the definition of "statutory pay", after "parental bereavement" insert ", neonatal care".

Amendment to the Teachers' Pension Scheme Regulations 2014

24.—(1) The Teachers' Pension Scheme Regulations 2014(**a**) are amended as follows.

(2) In regulation 3 (interpretation)—

(a) at the appropriate place insert—

""neonatal care leave" means leave under section 80EF of the Employment Rights Act 1996;";

(b) in the definition of "non-pensionable family leave", after "carer's leave or" insert "neonatal care leave";

(c) in the definition of "statutory pay" after paragraph (a) insert—

"(aa) statutory neonatal care pay payable in accordance with Part 12ZE of the Social Security Contributions and Benefits Act 1992,".

(3) In regulation 23 (service not pensionable unless member is entitled to pay), in paragraph (1)(b), after "parental bereavement leave," insert "neonatal care leave,".

(4) In regulation 33 (interpretation), in paragraph (b) of the definition of "notional pensionable earnings", after "parental bereavement leave," insert "neonatal care leave,".

(5) In regulation 34 (pensionable earnings for school teachers), in paragraph (2)(c), after "parental bereavement leave," insert "neonatal care leave,".

(6) In regulation 39 (pensionable earnings for the purpose of accruing benefits), in paragraph (a), after "parental bereavement leave" insert ", neonatal care leave".

(7) In regulation 143 (annual rate of surviving adult pension: short-term), in paragraph (2)(a) after "parental bereavement leave" insert ", neonatal care leave".

(8) In regulation 150 (annual rate of child pension: short-term), in paragraph (2)(a) after "parental bereavement leave" insert ", neonatal care leave".

(9) In regulation 184 (pensionable earnings for a pay period), in paragraph (4) after "parental bereavement leave" insert ", neonatal care leave".

(10) In regulation 189 (entitlement to repayment of balance of contributions), in paragraph (3) after "parental bereavement leave" insert ", neonatal care leave".

(11) In regulation 219 (employment records), in paragraph (2)(f) after "parental bereavement leave" insert ", neonatal care leave".

Amendment to the Childcare Payments (Eligibility) Regulations 2015

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

(2) In regulation 12 (qualifying paid work: time off in connection with sickness or parenting)—

(a) in paragraph (1)(n), after "the Employment Rights (Northern Ireland) Order 1996;" omit "or";

(b) at the end of paragraph (1)(o), for "." substitute ";";

(c) after paragraph (1)(o), insert—

(**a**) S.I. 2014/512; relevant amending instruments S.I. 2014/2652, S.I. 2014/3255, S.I. 2020/354 and S.I. 2024/266.
(**b**) S.I. 2015/448; relevant amending instruments are S.I. 2016/793, S.I. 2017/1101, S.I. 2020/354, S.I. 2021/781 and S.R. 2023 No. 157.

"(p) in relation to England, Wales and Scotland only, is absent from work during a period of neonatal care leave under section 80EF of the Employment Rights Act 1996; or

(q) in relation to England, Wales and Scotland only, is paid statutory neonatal care pay under Part 12ZE of the Social Security Contributions and Benefits Act 1992.";

(d) in paragraph (4) after "paragraph (1)(b) to (m)" insert ", (p) or (q)";

(e) in paragraph (7)(a)—

(i) after "paragraph (1)(a) to (c), (f)" for "or" substitute ",";

(ii) after "(i)" insert ", or (q)";

(f) in paragraph (7)(b)—

(i) after "paragraph (1)(d), (e), (g), (h)" for "or" substitute ",";

(ii) after "(j) to (m)" insert ", or (p)".

Amendment to the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018

26.—(1) The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018(**a**) are amended as follows.

(2) In regulation 7 (further conditions relating to all contracts), in paragraph (3)(c)—

(a) in paragraph (iv) after "parental leave;" omit "or";

(b) in paragraph (v) for "," substitute "; or";

(c) after paragraph (v) insert—

"(vi) neonatal care leave,".

Amendment to the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018

27.—(1) The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018(**b**) are amended as follows.

(2) In regulation 5 (further conditions relating to all agreements), in paragraph (3)(c)—

(a) in paragraph (iv) after "parental leave;" omit "or";

(b) in paragraph (v) for "," substitute "; or";

(c) after paragraph (v) insert—

"(vi) neonatal care leave,".

Amendment to the Payment and Electronic Money Institution Insolvency Regulations 2021

28.—(1) The Payment and Electronic Money Institution Insolvency Regulations 2021(**c**) are amended as follows.

(2) In Schedule 3 (further provision about how other legislation applies to companies in special administration), in the list of secondary legislation in paragraph 2, after "Statutory Parental Bereavement Pay (General) Regulations (Northern Ireland) 2023" insert—

(**a**) S.S.I. 2018/66.
(**b**) S.S.I. 2018/67.
(**c**) S.I. 2021/716, amended by S.I. 2023/1399.

"Statutory Neonatal Care Pay (General) Regulations 2025".

Amendment to the Judicial Pensions Regulations 2022

29.—(1) The Judicial Pensions Regulations 2022(**a**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) at the appropriate place insert—

""neonatal care leave" means leave under section 80EF (neonatal care leave) of the Employment Rights Act 1996;";

(b) in the definition of "statutory pay"—

(i) at the end of paragraph (c), omit "or";

(ii) at the end of paragraph (d), for ":" substitute "; or";

(iii) after paragraph (d), insert—

"(e) statutory neonatal care pay within the meaning of section 171ZZ16 (entitlement) of the Social Security Contributions and Benefits Acts 1992;".

(3) In regulation 17 (meaning of "assumed pay": salaried office holders), in paragraph (3)(b)—

(a) after "paternity leave" for "or" substitute ",";

(b) after "additional paternity leave" insert "or neonatal care leave".

(4) In regulation 18 (meaning of "assumed pay": fee-paid office holders), in paragraph (5)(b)—

(a) after "paternity leave" for "or" substitute ",";

(b) after "additional paternity leave" insert "or neonatal care leave".

(5) In regulation 106 (amount of pensionable earnings: assumed pay), in paragraph (4)—

(a) after "paternity leave" for "or" substitute ",";

(b) after "additional paternity leave" insert "or neonatal care leave".

(6) In regulation 107 (payment of member contributions), in paragraph (3)(a)—

(a) after "paternity leave" for "or" substitute ",";

(b) after "additional paternity leave" insert "or neonatal care leave".

Amendment to the Childcare (Free of Charge for Working Parents) (England) Regulations 2022

30.—(1) The Childcare (Free of Charge for Working Parents) (England) Regulations 2022(**b**) are amended as follows.

(2) In regulation 16 (qualifying paid work requirement: employee), in paragraph (4) in the definition of "specified leave"—

(a) after sub-paragraph (a)(vii), insert—

"(viii) neonatal care leave;";

(b) at the end of sub-paragraph (b)(vii) for "." substitute ";";

(c) after sub-paragraph (b)(vii), insert—

"(viii) statutory neonatal care pay.".

(**a**) S.I. 2022/319.
(**b**) S.I. 2022/1134, amended by S.I. 2023/276, S.I. 2023/1330, S.I. 2024/369 and S.I. 2024/527.

Justin Madders
Parliamentary Under Secretary of State
Department for Business and Trade

At 10.30 a.m. on 24th February 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to secondary legislation in consequence of the Neonatal Care (Leave and Pay) Act 2023 (c. 20), which makes provision for entitlements, leave and pay for employees with responsibility for children receiving neonatal care.

These Regulations are part of a package of legislative measures to implement entitlements to neonatal care leave and pay. A full impact assessment of the effect of the Neonatal Care (Leave and Pay) Act 2023 will have on the costs of business, the voluntary sector and the public sector was published on 23 January 2023 and is available from the Department for Business and Trade, Old Admiralty Building, London, SW1A 2PA.

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