

## SCHEDULE 3

Article 3

### TRANSITIONAL AND SAVING PROVISIONS

1. Part 12ZA of the 1992 Act, inserted by section 2 of the Act (statutory paternity pay), shall have effect only in relation to a person who satisfies the prescribed conditions of entitlement in respect of a child—

- (a) born on or after 6th April 2003, or whose expected week of birth begins on or after that date; or
- (b) matched for the purposes of adoption with a person who is notified of having been matched on or after 6th April 2003, or placed for adoption on or after that date.

2. Part 12ZB of the 1992 Act, inserted by section 4 of the Act (statutory adoption pay), shall have effect only in relation to a person with whom a child is, or is expected to be placed for adoption on or after 6th April 2003.

3. The amendments to Chapter 1 of Part 8 of the Employment Rights Act 1996<sup>(1)</sup> (maternity leave) made by section 17 of the Act (rights during and after maternity leave) shall have effect only in relation to employees whose expected week of childbirth begins on or after 6th April 2003.

4. The amendments to the 1992 Act made by sections 18, 20, 48(1)(b) and (2) and the first repeal specified in Part 1 of Schedule 2 to this Order, shall take effect only in relation to those women whose expected week of confinement commences on or after 6th April 2003.

5. The amendment to section 166 of the 1992 Act made by section 19 of the Act (rate of statutory maternity pay) shall not have effect in relation to a woman—

- (a) whose maternity pay period commences before 6th April 2003;
- (b) who is entitled to statutory maternity pay at the rate of £75 a week immediately before that date; and
- (c) who would be entitled to statutory maternity pay at a rate lower than £75 a week if the amendment had effect in relation to her.

6. The amendment made to section 35A of the 1992 Act made by section 48(1)(a) of the Act (rate of maternity allowance) shall not have effect in relation to a woman—

- (a) whose maternity allowance period commences before 6th April 2003;
- (b) who is entitled to maternity allowance at the rate of £75 a week immediately before that date; and
- (c) who would be entitled to maternity allowance at a rate lower than £75 a week if the amendment had effect in relation to her.

7.—(1) Section 47D of the Employment Rights Act 1996, inserted by section 47 of the Act (flexible working), shall have effect only in relation to an act or failure to act which takes place on or after 6th April 2003.

(2) For the purposes of sub-paragraph (1)—

- (a) where an act extends over a period, the reference to the date of the act is a reference to the last day of that period; and
- (b) a failure to act is to be treated as done when it was decided on.

(3) For the purposes of sub-paragraph (2), in the absence of evidence establishing the contrary an employer shall be taken to decide on a failure to act—

- (a) when he does an act inconsistent with doing the failed act, or

---

(1) 1996 c. 18.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the failed act if it was to be done.