

WORK AND FAMILIES ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 10: Additional statutory paternity pay: rate and period of pay

46. **Section 10** inserts a new section 171ZEE in the Social Security Contributions and Benefits Act 1992 to deal with the rate at which additional statutory paternity pay is payable and the period for which it is payable.
47. The rate at which additional statutory paternity pay is payable will be prescribed in regulations (see *subsection (1)* of the new section).
48. *Subsections (2) to (5)* of the new section deal with the period for which it is payable. The period will generally begin on or after the day on which the child's mother (or the adopter) is treated as returning to work. Regulations will deal with the maximum duration of the period but it cannot continue after the end of 12 months beginning with the birth of the child (or the placement of the child for adoption).
49. *Subsection (6)* provides that additional statutory paternity pay is not payable in respect of a week if it is not the employee's purpose at the beginning of the week to care for the child in question. As the purpose of additional statutory paternity pay is to enable the employee to care for the child, *subsection (8)* also provides for entitlement to it to end in those circumstances.
50. Except in prescribed cases, additional statutory paternity pay is not payable in respect of a week during any part of which the recipient works for an employer (see *subsection (7)*). *Subsection (8)* also provides for entitlement to additional statutory paternity pay to end in those circumstances.