
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Additional Paternity Leave Regulations 2010

PART 4

**PROVISIONS APPLICABLE TO BOTH TYPES
OF ADDITIONAL PATERNITY LEAVE**

Disrupted placement or death of a child in the course of additional paternity leave

24.—(1) This regulation applies where, during an employee (“P’s”) leave notice period or additional paternity leave period in respect of a child (“C”)—

- (a) C dies, or
- (b) where C has been placed for adoption, C is returned to the adoption agency under sections 32, 33 or 34(3) of the Adoption and Children Act 2002(1) or section 25(6) of the Adoption and Children (Scotland) Act 2007(2).

(2) Subject to regulation 29 (dismissal during additional leave period), in a case where this regulation applies—

- (a) where the end date of P’s leave occurs less than eight weeks after the relevant week, P’s additional paternity leave period ends on the end date,
- (b) where the end date of P’s leave occurs eight or more weeks after the relevant week, P’s additional paternity leave period ends eight weeks after the end of the relevant week.

(3) For the purposes of paragraph (2)—

- (a) the relevant week means the period of seven days beginning with Sunday, during which—
 - (i) in a case falling within paragraph (1)(a), C dies,
 - (ii) in a case falling within paragraph (1)(b), C is returned to the adoption agency.
- (b) the end date of P’s leave is—
 - (i) the end date notified by P in accordance with regulation 6(1), 12(1), 16(1) or 22(1),
 - (ii) where P has varied the end date, that most recently varied in accordance with regulation 7(1), 13(1), 13(2), 17(1), 23(1), or 23(2),
 - (iii) where E required P to take leave, or remain on leave, the end date determined by E in accordance with regulation 6(5), 6(7), 7(2), 12(7), 12(9), 13(3), 16(5), 16(7), 17(2), 22(7), 22(9) and 23(3) and notified to P in accordance with regulation 8(2), 8(2) as modified by regulation 10, 18(2) or 18(2) as modified by regulation 20 as applicable, or
 - (iv) where applicable, regulation 30.

(4) In paragraph (1), P's leave notice period is the period starting on the day P notifies E in accordance with regulation 6(1), 12(1), 16(1) or 22(1) of P's intention to take additional paternity leave and ending on the day before the day that leave begins.