



Work and Families Act 2006

2006 CHAPTER 18

Additional paternity leave and pay

6 Entitlement to additional statutory paternity pay: birth

After section 171ZE of SSCBA 1992 insert—

“Additional statutory paternity pay

171ZEA Entitlement to additional statutory paternity pay: birth

- (1) The Secretary of State may by regulations provide that, where all the conditions in subsection (2) are satisfied in relation to a person (“the claimant”), the claimant shall be entitled in accordance with the following provisions of this Part to payments to be known as “additional statutory paternity pay”.
- (2) Those conditions are—
 - (a) that the claimant satisfies prescribed conditions—
 - (i) as to relationship with a child, and
 - (ii) as to relationship with the child’s mother;
 - (b) that the claimant has been in employed earner’s employment with an employer for a continuous period of at least the prescribed length ending with a prescribed week;
 - (c) that the claimant’s normal weekly earnings for a prescribed period ending with a prescribed week are not less than the lower earnings limit in force under section 5(1)(a) at the end of that week;
 - (d) if regulations so provide, that the claimant continues in employed earner’s employment (whether or not with that employer) until a prescribed time;
 - (e) that the mother of the child by reference to whom the condition in paragraph (a) is satisfied became entitled, by reference to the birth of the child—
 - (i) to a maternity allowance, or

Status: This is the original version (as it was originally enacted).

- (ii) to statutory maternity pay;
 - (f) that the mother has, in relation to employment as an employed or self-employed earner, taken action that is treated by regulations as constituting for the purposes of this section her return to work;
 - (g) that the day on which the mother is treated as returning to work falls—
 - (i) after the end of a prescribed period beginning with the birth of the child, but
 - (ii) at a time when at least a prescribed part of her maternity allowance period or maternity pay period remains unexpired;
 - (h) that it is the claimant's intention to care for the child during a period beginning not later than a prescribed time.
- (3) The regulations may—
- (a) exclude the application of the conditions mentioned in paragraphs (f) and (g) of subsection (2) in cases where the child's mother has died, and
 - (b) provide that the condition mentioned in paragraph (e) of that subsection shall have effect with prescribed modifications in such cases.
- (4) A person's entitlement to additional statutory paternity pay under this section shall not be affected by the birth of more than one child as a result of the same pregnancy.”