



Work and Families Act 2006

2006 CHAPTER 18

Additional paternity leave and pay

7 Entitlement to additional statutory paternity pay: adoption

After section 171ZEA of SSCBA 1992 insert—

“171ZEB Entitlement to additional statutory paternity pay: adoption

- (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 who has been placed for adoption under the law of any part of the United Kingdom, and
 - (ii) as to relationship with a person with whom the child is so placed for adoption (“the adopter”);
 - (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 to work in employed earner’s employment (whether or not with that employer) until a prescribed time;
 - (e) that the adopter became entitled to statutory adoption pay by reference to the placement of the child for adoption;
 - (f) that the adopter has, in relation to employment as an employed or self-employed earner, taken action that is treated by regulations as

Status: This is the original version (as it was originally enacted).

- constituting for the purposes of this section the adopter's return to work;
- (g) that the day on which the adopter is treated as returning to work falls—
 - (i) after the end of a prescribed period beginning with the placement of the child for adoption, but
 - (ii) at a time when at least a prescribed part of the adopter's adoption 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 adopter 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 may not elect to receive additional statutory paternity pay if he has elected in accordance with section 171ZL to receive statutory adoption pay.
- (5) A person's entitlement to additional statutory paternity pay under this section shall not be affected by the placement for adoption of more than one child as part of the same arrangement."