
STATUTORY INSTRUMENTS

2002 No. 2788

The Paternity and Adoption Leave Regulations 2002

PART 2

PATERNITY LEAVE

Entitlement to paternity leave: birth

4.—(1) [^{F1}Subject to paragraph (1A), an] employee is entitled to be absent from work for the purpose of caring for a child or supporting the child's mother if he—

- (a) satisfies the conditions specified in paragraph (2), and
- (b) has complied with the notice requirements in regulation 6 and, where applicable, the evidential requirements in that regulation.

[^{F2}(1A) An employee is not entitled to be absent from work under paragraph (1) if the employee has taken any shared parental leave in respect of the child.]

(2) The conditions referred to in paragraph (1) are that the employee—

- (a) has been continuously employed for a period of not less than 26 weeks ending with the week immediately preceding the 14th week before the expected week of the child's birth;
- (b) is either—
 - (i) the father of the child or;
 - (ii) married to [^{F3}, the civil partner] or the partner of the child's mother, but not the child's father;

(c) has, or expects to have—

- (i) if he is the child's father, responsibility for the upbringing of the child;
- (ii) if he is the mother's husband [^{F4}, civil partner] or partner but not the child's father, the main responsibility (apart from any responsibility of the mother) for the upbringing of the child.

(3) An employee shall be treated as having satisfied the condition in paragraph (2)(a) on the date of the child's birth notwithstanding the fact that he has not then been continuously employed for a period of not less than 26 weeks, where—

- (a) the date on which the child is born is earlier than the 14th week before the week in which its birth is expected, and
- (b) the employee would have been continuously employed for such a period if his employment had continued until that 14th week.

(4) An employee shall be treated as having satisfied the condition in paragraph (2)(b)(ii) if he would have satisfied it but for the fact that the child's mother has died.

(5) An employee shall be treated as having satisfied the condition in paragraph (2)(c) if he would have satisfied it but for the fact that the child was stillborn after 24 weeks of pregnancy or has died.

Status: Point in time view as at 01/12/2014.

Changes to legislation: There are currently no known outstanding effects for the The Paternity and Adoption Leave Regulations 2002, Section 4. (See end of Document for details)

(6) An employee's entitlement to leave under this regulation shall not be affected by the birth, or expected birth, of more than one child as a result of the same pregnancy.

Textual Amendments

- F1** Words in [reg. 4\(1\)](#) substituted (1.12.2014) by [The Paternity and Adoption Leave \(Amendment\) Regulations 2014 \(S.I. 2014/2112\)](#), [regs. 1\(3\)](#), [4\(a\)](#)
- F2** [Reg. 4\(1A\)](#) inserted (1.12.2014) by [The Paternity and Adoption Leave \(Amendment\) Regulations 2014 \(S.I. 2014/2112\)](#), [regs. 1\(3\)](#), [4\(b\)](#)
- F3** Words in [reg. 4\(2\)\(b\)\(ii\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), [art. 2\(17\)](#), [reg. 1](#), [Sch. 17 para. 1\(2\)\(a\)](#)
- F4** Words in [reg. 4\(2\)\(c\)\(ii\)](#) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), [art. 2\(17\)](#), [reg. 1](#), [Sch. 17 para. 1\(2\)\(b\)](#)

Commencement Information

- I1** [Reg. 4](#) in force at 8.12.2002, see [reg. 1](#)

Status:

Point in time view as at 01/12/2014.

Changes to legislation:

There are currently no known outstanding effects for the The Paternity and Adoption Leave Regulations 2002, Section 4.