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STATUTORY INSTRUMENTS

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**2010 No. 1055**

**The Additional Paternity Leave Regulations 2010**

**PART 2**

**ADDITIONAL PATERNITY LEAVE (BIRTH)**

**Variation or cancellation of leave under regulation 4 in the event of the mother's death**

**13.**—(1) Notwithstanding regulation 9 as modified by regulation 10, P may, on or before the relevant date, cancel P's leave notice, or vary the dates notified as the start and end dates for the period of leave, by notifying E in writing on or before any date that is varied or cancelled.

(2) After the relevant date, but before P's leave period has begun, P may cancel P's leave notice, or vary the dates notified as the start and end date for the period of leave, provided that P gives E written notice ("subsequent notice")—

- (a) before the earlier of—
  - (i) six weeks before the date cancelled or varied, or
  - (ii) six weeks before the new date, or,
- (b) if it is not reasonably practicable for P to give notice in accordance with sub-paragraph (a), as soon as is reasonably practicable.

(3) Where P has given subsequent notice, but—

- (a) the notice does not comply with paragraph (2)(a), and
- (b) it is not reasonably practicable for E to accommodate the change in P's arrangements,

E may require that P take a period of additional paternity leave.

(4) Additional paternity leave which P is required to take under paragraph (3)—

- (a) shall start—
  - (i) on the start date specified by P in the leave notice, or
  - (ii) where applicable, the start date specified in the most recent subsequent notice given by P in compliance with the requirements of paragraphs (1) or (2)(a); and
- (b) shall end no later than—
  - (i) six weeks after P gave notice under paragraph (2), or
  - (ii) the end date specified in the leave notice or, where applicable, the most recent subsequent notice given by P in compliance with the requirements of paragraphs (1) or (2)(a),

whichever is the earlier.

(5) In this regulation, the terms "relevant date" and "leave notice" have the meanings given by regulation 12(2).