
STATUTORY INSTRUMENTS

2010 No. 1055

The Additional Paternity Leave Regulations 2010

PART 2

ADDITIONAL PATERNITY LEAVE (BIRTH)

Entitlement to additional paternity leave (birth)

4.—(1) An employee (“P”) is entitled to be absent from work for the purpose of caring for a child (“C”) if—

- (a) P satisfies the conditions specified in paragraph (2);
- (b) P has complied with the requirements in regulation 6 and, where applicable, regulation 7; and
- (c) C’s mother (“M”) satisfies the conditions specified in paragraph (5) and has signed the mother declaration referred to in regulation 6.

(2) The conditions referred to in paragraph (1)(a) are that P—

- (a) has been continuously employed with an employer for a period of not less than 26 weeks ending with the relevant week;
- (b) remains in continuous employment with that employer until the week before the first week of P’s additional paternity leave;
- (c) is either—
 - (i) C’s father, or
 - (ii) married to or the partner or civil partner of M, but not C’s father; and
- (d) has, or expects to have, the main responsibility (apart from any responsibility of M) for the upbringing of C.

(3) The references in this regulation to the relevant week are to the week immediately preceding the 14th week before C’s expected week of birth.

(4) P shall be treated as having satisfied the condition in paragraph (2)(a) on the date of C’s birth, notwithstanding the fact that P has not then been continuously employed for the period referred to in that paragraph, where—

- (a) the date on which C is born is earlier than the relevant week; and
- (b) P would have been continuously employed for such a period if P’s employment had continued until the relevant week.

(5) The conditions referred to in paragraph (1)(c) are that M—

- (a) is entitled by reference to becoming pregnant with C to one or more of the following—
 - (i) maternity leave;
 - (ii) statutory maternity pay; or
 - (iii) maternity allowance; and

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(b) has, or is treated as having, returned to work under regulation 25.

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