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STATUTORY INSTRUMENTS

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**2010 No. 1056**

The Additional Statutory Paternity  
Pay (General) Regulations 2010

PART 1

INTRODUCTION

**Citation and commencement**

1. These Regulations may be cited as the Additional Statutory Paternity Pay (General) Regulations 2010 and come into force on 6th April 2010.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Social Security Contributions and Benefits Act 1992;

“actual week of birth”, in relation to a child, means the week beginning with midnight between Saturday and Sunday, in which the child is born;

“additional statutory paternity pay” means additional statutory paternity pay (adoption) or additional statutory paternity pay (birth);

“additional statutory paternity pay (adoption)” means additional statutory paternity pay payable in accordance with the provisions of Part 12ZA of the Act where the conditions specified in section 171ZEB(2) of the Act are satisfied;

“additional statutory paternity pay (birth)” means additional statutory paternity pay payable in accordance with the provisions of Part 12ZA of the Act where the conditions specified in section 171ZEA(2) of the Act are satisfied;

“additional statutory paternity pay period” means an additional statutory paternity pay period (adoption) or an additional statutory paternity pay period (birth);

“additional statutory paternity pay period (adoption)” means the period in respect of which additional statutory paternity pay (adoption) is payable;

“additional statutory paternity pay period (birth)” means the period in respect of which additional statutory paternity pay (birth) is payable;

“adopter”, in relation to a child, means a person who has been matched with a child for adoption and who has elected to take adoption leave in order to care for the child;

“adoption agency” has the meaning given, in relation to England and Wales, by section 2 of the Adoption and Children Act 2002<sup>(1)</sup> and, in relation to Scotland, by section 119(1) of the Adoption and Children (Scotland) Act 2007<sup>(2)</sup>;

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(1) 2002 c. 38.

(2) 2007 asp 4.

“adoption leave” means ordinary adoption leave under section 75A of the Employment Rights Act 1996(3) or additional adoption leave under section 75B of that Act;

“adoption pay period” has the meaning given by regulation 21 of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002(4);

“child” means a person who is, or when placed with an adopter for adoption was, under the age of eighteen;

“the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“the Contributions Regulations” means the Social Security (Contributions) Regulations 2001(5);

“expected week of birth”, in relation to a child, means the week, beginning with midnight between Saturday and Sunday, in which, as appropriate, it is expected that the child will be born, or was expected that the child would be born;

“maternity allowance period” means the period for which maternity allowance is payable under section 35 of the Act;

“maternity pay period” has the meaning given by regulation 2 of the Statutory Maternity Pay (General) Regulations 1986(6);

“ordinary statutory paternity pay” means ordinary statutory paternity pay payable in accordance with the provisions of Part 12ZA of the Act where the conditions specified in section 171ZA(2) or 171ZB(2) are satisfied;

“partner”, in relation to a child’s mother or adopter, means a person (whether of a different sex or the same sex) who lives with the mother or adopter and the child in an enduring family relationship but is not a relative of the mother or adopter of a kind specified in paragraph (2); and

“processing”, in relation to information, has the meaning given by section 1(1) of the Data Protection Act 1998(7).

(2) The relatives of a child’s mother or adopter referred to in the definition of “partner” in paragraph (1) are the mother’s or adopter’s parent, grandparent, sister, brother, aunt or uncle.

(3) References to relationships in paragraph (2)—

- (a) are to relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for the adoption, and
- (b) include the relationship of a child with his adoptive, or former adoptive parents, but do not include any other adoptive relationships.

(4) References to Part 12ZA of the Act in these Regulations are references to sections 171ZEA to 171ZEE and, in so far as they concern additional statutory paternity pay, to sections 171ZF to 171ZJ of the Act.

(5) For the purposes of these Regulations—

- (a) a person is matched with a child for adoption when an adoption agency decides that that person would be a suitable adoptive parent for the child, and
- (b) a person is notified of having been matched with a child on the date on which that person receives notification of the agency’s decision, under regulation 33(3)(a) of the

(3) 1996 c. 18. Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 (c. 22) and were amended by paragraphs 33 and 34 respectively of Schedule 1 to the Work and Families Act 2006.

(4) S.I. 2002/2822, amended by S.I. 2006/2236; there are other amending instruments, but none is relevant.

(5) S.I. 2001/1004, to which there are amendments not relevant to these Regulations.

(6) S.I. 1986/1960, amended by S.I. 2006/2379; there are other amending instruments, but none is relevant.

(7) 1998 c. 29.

Adoption Agencies Regulations 2005<sup>(8)</sup>, regulation 28(3) of the Adoption Agencies (Wales) Regulations 2005<sup>(9)</sup> or regulation 24 of the Adoption Agencies (Scotland) Regulations 2009<sup>(10)</sup>.

### **Application**

**3.** Subject to the provisions of Part 12ZA of the Act and of these Regulations, there is entitlement to—

- (a) additional statutory paternity pay (birth) in respect of children whose expected week of birth begins on or after 3rd April 2011;
- (b) additional statutory paternity pay (adoption) in respect of children matched with a person who is notified of having been matched on or after 3rd April 2011.

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<sup>(8)</sup> S.I. 2005/389, to which there are amendments not relevant to these Regulations.

<sup>(9)</sup> S.I. 2005/1313.

<sup>(10)</sup> S.S.I. 2009/154.