
STATUTORY INSTRUMENTS

2010 No. 1057

**The Additional Statutory Paternity Pay
(Adoptions from Overseas) Regulations 2010**

Entitlement to additional statutory paternity pay (adoption) in respect of adoptions from overseas in the event of the death of the adopter

9.—(1) In a case where A dies before the end of their adoption pay period in respect of C (but before the additional statutory paternity pay period (adoption) in respect of C has begun)—

- (a) the provisions in regulations 5 and 6 shall apply, subject to the following modifications—
 - (i) regulation 5(1)(d) shall not apply;
 - (ii) regulation 5(1)(e) shall apply—
 - (aa) as if the references to regulation 8 were references to regulation 10; and
 - (bb) in a case where the date of which P informs E pursuant to regulation 10(1)(a) is earlier than the date by which P has complied with the other requirements of regulation 10, as if such other requirements had been complied with on such earlier date provided that they are complied with as soon as reasonably practicable thereafter;
 - (iii) the condition in regulation 5(2)(a) shall be taken to be satisfied if it would have been satisfied but for the fact that A had died;
 - (iv) the condition in regulation 6(a) shall be taken to be satisfied if A would have satisfied it but for the fact that A had died; and
 - (v) regulation 6(b), (c) and (d) shall not apply;
- (b) regulation 7 shall not apply;
- (c) for the purposes of section 171ZEE(2)(a) of the Act, the date on which the additional statutory paternity pay (adoption) in respect of C begins is such date, being the date of A's death or a later date, as P informs E of in accordance with regulation 10(1)(a) or as is last varied in accordance with regulation 10(7) or 10(8);
- (d) for the purposes of section 171ZEE(2)(b)(ii) of the Act, the date on which the additional statutory paternity pay period (adoption) in respect of C ends is, where earlier than the relevant date, the date specified by P in accordance with regulation 10(2)(d) or last varied in accordance with regulation 10(7) or 10(8);
- (e) for the purposes of section 171ZEE(4)(a) of the Act, the additional statutory paternity pay period (adoption) in respect of C shall not last longer than 39 weeks; and
- (f) regulation 8 shall be replaced by regulation 10.

(2) In paragraph (1)(d), “the relevant date” means the date on which the adoption pay period in respect of C which would have applied but for A's death, would have ended.

(3) References in this regulation to A's adoption pay period in respect of C include, where A's death occurred before A's adoption pay period in respect of C started, references to such period as would have existed but for the fact that A had died.