

2010 No. 1060

TERMS AND CONDITIONS OF EMPLOYMENT

**The Additional Statutory Paternity Pay (Weekly Rates)
Regulations 2010**

Made - - - - *24th March 2010*

Coming into force - - *6th April 2010*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 171ZEE(1) of the Social Security Contributions and Benefits Act 1992(a) and section 5(1)(l) of the Social Security Administration Act 1992(b).

This instrument contains only regulations made by virtue of, or consequential upon, sections 10 and 11 of, and paragraph 24 of Schedule 1 to, the Work and Families Act 2006(c) and is made before the end of the period of 6 months before the coming into force of those enactments(d).

In accordance with section 176(1) of the Social Security Contributions and Benefits Act 1992, a draft of these Regulations was laid before Parliament and approved by resolution of each House of Parliament.

Citation and commencement

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

Weekly rate of payment of additional statutory paternity pay

2. The weekly rate of payment of additional statutory paternity pay shall be the smaller of the following two amounts—

- (a) £124.88;
- (b) 90% of the normal weekly earnings of the person claiming additional statutory paternity pay, determined in accordance with regulations 31 and 32 of the Additional Statutory Paternity Pay (General) Regulations 2010(e).

Rounding of fractional amounts

3. Where any payment of additional statutory paternity pay is made on the basis of a calculation at—

(a) 1992 c. 4. Section 171ZEE was inserted by section 10 of the Work and Families Act 2006 (c. 18).
(b) 1992 c. 5. Relevant amendments to section 5 were made by paragraph 24 of Schedule 1 to the Work and Families Act 2006.
(c) 2006 c. 18.
(d) See section 173(5)(b) of the Social Security Administration Act 1992.
(e) S.I. 2010/1056.

- (a) the weekly rate specified in regulation 2(b); or
- (b) the daily rate of one-seventh of the weekly rate specified in regulation 2(a) or (b),

and that amount includes a fraction of a penny, the payment shall be rounded up to the nearest whole number of pence.

24th March 2010

Pat McFadden
Minister for Business, Innovation and Skills
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument contains only regulations made by virtue of sections 10 and 11 of and paragraph 24 of Schedule 1 to the Work and Families Act 2006 (c.18), provisions which come into force on 6th April 2010. The instrument is made before the end of the period of 6 months beginning with the coming into force of those provisions. The regulations in it are therefore exempted by section 173(5)(b) of the Social Security Administration Act 1992 (c.5) from the requirement under section 172 of that Act to refer the proposals to make regulations to the Social Security Advisory Committee. They are therefore made without reference to the Committee.

These Regulations set the weekly rates for additional statutory paternity pay payable under Part 12ZA (ordinary and additional statutory paternity pay) of the Social Security Contributions and Benefits Act 1992 (c.4), as amended by the Work and Families Act 2006.

Regulation 2 sets the weekly rate of payment of additional statutory paternity pay at the smaller of £124.88 and 90% of the employee's normal weekly earnings. Regulation 3 provides for the rounding of fractional amounts.

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