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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

**The Additional Paternity Leave Regulations 2010**

**PART 4**

**PROVISIONS APPLICABLE TO BOTH TYPES  
OF ADDITIONAL PATERNITY LEAVE**

**Application of terms and conditions during additional paternity leave**

**27.**—(1) During the period of additional paternity leave, P—

- (a) is entitled to the benefit of all of the terms and conditions of employment which would have applied if P had not been absent, and
- (b) is bound by any obligations arising under those terms and conditions, subject only to the exception in section 80C(1)(b) of the 1996 Act<sup>(1)</sup>.

(2) In paragraph (1)(a), “terms and conditions of employment” has the meaning given by section 80C(5) of the 1996 Act, and accordingly does not include terms and conditions about remuneration.

(3) For the purposes of section 80C of the 1996 Act, only sums payable to P by way of wages or salary are to be treated as remuneration.

(4) In the case of accrual of rights under an employment-related benefit scheme within the meaning given by paragraph 7 of Schedule 5 to the Social Security Act 1989<sup>(2)</sup>, nothing in paragraph (1)(a) shall be taken to impose a requirement which exceeds the requirements of paragraph 5A of that Schedule.

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(1) Section 80C was inserted by section 1 of the Employment Act 2002 (c.22) and subsequently amended by the Work and Families Act 2006 (c.18), section 5.

(2) 1989 c.24. This has been prospectively amended by the Pension Schemes Act 1993 (c. 48), section 190, Schedule 7, paragraph 2, from a day to be appointed.