

WORK AND FAMILIES ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 7: Entitlement to additional statutory paternity pay: adoption

34. Statutory paternity pay is available, not only in relation to the birth of a child, but also in relation to the placement of a child for adoption.
35. *Section 7* makes new provision for the payment of additional statutory paternity pay where a child is placed for adoption. It does so by inserting a new section 171ZEB in Part 12ZA of the Social Security Contributions and Benefits Act 1992. The new section allows the Secretary of State to make regulations entitling employees who satisfy certain conditions to additional statutory paternity pay following the placement of a child for adoption.
36. *Subsection (2)* states the conditions that an employee must meet to be entitled to this form of additional statutory paternity pay. These are comparable to the conditions governing entitlement to additional statutory paternity pay following birth. They include matters relating to the employee's relationship with the child placed for adoption and the person with whom he is placed ("the adopter"), the employee's employment status and earnings, the entitlement of the adopter to statutory adoption pay and her return to work. As in the case of additional statutory paternity pay following birth, the conditions sometimes provide for further matters to be dealt with in regulations.
37. *Subsection (3)* allows for certain of the qualifying conditions to be modified or excluded in cases where the adopter of the child has died.
38. *Subsection (4)* provides that additional statutory paternity pay will not be payable to someone who has elected to receive statutory adoption pay.
39. *Subsection (5)* states that entitlement to additional statutory paternity pay will be unaffected by more than one child being placed for adoption as part of the same arrangement.