
STATUTORY INSTRUMENTS

2002 No. 2788

The Paternity and Adoption Leave Regulations 2002

PART 4

**PROVISIONS APPLICABLE IN RELATION TO
BOTH PATERNITY AND ADOPTION LEAVE**

Contractual rights to paternity or adoption leave

30.—(1) This regulation applies where an employee is entitled to—

- (a) paternity leave,
- (b) ordinary adoption leave, or
- (c) additional adoption leave,

(referred to in paragraph (2) as a “statutory right”) and also to a right which corresponds to that right and which arises under the employee’s contract of employment or otherwise.

(2) In a case where this regulation applies—

- (a) the employee may not exercise the statutory right and the corresponding right separately but may, in taking the leave for which the two rights provide, take advantage of whichever right is, in any particular respect, the more favourable, and
- (b) the provisions of the 1996 Act and of these Regulations relating to the statutory right apply, subject to any modifications necessary to give effect to any more favourable contractual terms, to the exercise of the composite right described in sub-paragraph (a) as they apply to the exercise of the statutory right.

Commencement Information

11 Reg. 30 in force at 8.12.2002, see [reg. 1](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Paternity and Adoption Leave Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations amendment to earlier affecting provision S.I. 2014/3096, regs. 3, 6-17 by [S.I. 2018/1413 Sch. 2 para. 9](#)
- Regulations applied in part (with modifications) by [S.I. 2014/3096 reg. 36-17](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 2(4)(4A) substituted for reg. 2(4) by [S.I. 2014/3206 reg. 4\(3\)](#)
- reg. 4(1A) inserted by [S.I. 2014/2112 reg. 4\(b\)](#)
- reg. 8(1A) inserted by [S.I. 2014/2112 reg. 5\(b\)](#)
- reg. 8(1A)(a) word omitted by [S.I. 2014/3206 reg. 5\(2\)\(a\)](#)
- reg. 8(1A)(c) and word inserted by [S.I. 2014/3206 reg. 5\(2\)\(b\)](#)
- reg. 15(1A) inserted by [S.I. 2014/3206 reg. 6\(3\)](#)
- reg. 21A inserted by [S.I. 2006/2014 reg. 14](#)
- reg. 22(3A) inserted by [S.I. 2014/3206 reg. 7\(3\)](#)
- reg. 25(2A)(2B) inserted by [S.I. 2006/2014 reg. 15\(c\)](#)
- reg. 28(1)(bb) inserted by [S.I. 2006/2014 reg. 16](#)
- reg. 28(1)(za)(zb) inserted by [S.I. 2014/2112 reg. 10](#)
- reg. 28(1)(zc)(zd) inserted by [S.I. 2014/2112 reg. 11](#)
- reg. 29(3)(bb) inserted by [S.I. 2006/2014 reg. 17\(a\)](#)
- reg. 29(3)(za)(zb) inserted by [S.I. 2014/2112 reg. 12](#)
- reg. 29(3)(zc)(zd) inserted by [S.I. 2014/2112 reg. 13](#)