
STATUTORY INSTRUMENTS

2010 No. 1055

The Additional Paternity Leave Regulations 2010

PART 2

ADDITIONAL PATERNITY LEAVE (BIRTH)

Entitlement to additional paternity leave (birth) in the event of the mother's death

10.—(1) In a case where M has died before the end of the period of twelve months beginning with C's birth, the provisions in regulations 4 to 9 shall apply with the following modifications.

(2) In regulation 4 (entitlement to additional paternity leave (birth))—

(a) paragraph (1)(b) shall apply as if the references in that paragraph—

(i) to regulation 6 were references to regulation 12;

(ii) to regulation 7 were references to regulation 13;

(b) paragraph (1)(c) shall be replaced by—

“(c) C's mother (“M”) satisfied, before her death, one or more of the conditions specified in paragraph (5)(a) (or would have satisfied such conditions but for the fact that M has died).”;

(c) the condition in paragraph (2)(c)(ii) shall be taken to be satisfied if it would have been satisfied but for the fact that M has died; and

(d) paragraph (5)(b) shall be omitted.

(3) Regulation 5 (options in respect of leave) shall be replaced by regulation 11.

(4) Regulation 6 (notice and evidential requirements for leave) shall be replaced by regulation 12.

(5) Regulation 7 (variation or cancellation of leave) shall be replaced by regulation 13.

(6) Regulations 8 (confirmation of leave) and 9 (commencement of leave) apply as if the references in those regulations—

(a) to regulation 6(1) were references to regulation 12(1);

(b) to regulation 6(5) were references to regulation 12(7);

(c) to regulation 7(1) were references to regulation 13(2); and

(d) to regulation 7(2) were references to regulation 13(3).