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STATUTORY INSTRUMENTS

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**2010 No. 1055**

**The Additional Paternity Leave Regulations 2010**

**PART 1**

**GENERAL**

**Application**

**3.—**(1) The provisions relating to additional paternity leave under regulation 4 have effect only in relation to children whose expected week of birth begins on or after 3rd April 2011.

(2) The provisions relating to additional paternity leave under regulation 14 have effect only in relation to children matched with a person who is notified of having been matched on or after 3rd April 2011.

(3) Regulation 33 (protection from detriment) has effect only in relation to an act or failure to act which takes place on or after 6th April 2010.

(4) For the purposes of paragraph (3)—

(a) where an act extends over a period, the reference to the date of the act is a reference to the last day of that period, and

(b) a failure to act is to be treated as done when it is decided upon.

(5) For the purposes of paragraph (4), in the absence of evidence establishing the contrary an employer shall be taken to decide on a failure to act—

(a) when the employer does an act inconsistent with doing the failed act, or

(b) if the employer has done no such inconsistent act, when the period expires within which the employer might reasonably have been expected to do the failed act if it was to be done.

(6) Regulation 34 (unfair dismissal) has effect only in relation to dismissals where the effective date of termination (within the meaning of section 97 of the 1996 Act<sup>(1)</sup>) falls on or after 6th April 2010.

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(1) Section 97 was amended by [SI 2002/2034](#), regulations 11, 18-20, Schedule 2, Part 1, paragraphs 3(1) and (8) and the Employment Relations Act 1999, Schedule 4, Part 3, paragraphs 5, 14 and Schedule 9.