
STATUTORY INSTRUMENTS

2010 No. 1055

The Additional Paternity Leave Regulations 2010

PART 2

ADDITIONAL PATERNITY LEAVE (BIRTH)

Notice and evidential requirements for leave under regulation 4

6.—(1) P must, not less than eight weeks before the start date chosen by P for the period of leave, give P's employer ("E")—

- (a) a leave notice;
- (b) an employee declaration; and
- (c) a mother declaration.

(2) In this regulation—

- (a) "a leave notice" means a written notice specifying—
 - (i) the week which was C's expected week of birth;
 - (ii) C's date of birth;
 - (iii) the dates P has chosen in accordance with regulation 5 as the start date and end date for the period of leave.
- (b) "an employee declaration" means a written declaration signed by P, stating—
 - (i) that the purpose of the period of leave will be to care for C, and
 - (ii) that P satisfies the conditions in regulation 4(2)(c) and (d).
- (c) "mother declaration" means a written declaration by M stating—
 - (i) M's name and address;
 - (ii) the date M intends to return to work (within the meaning of regulation 25);
 - (iii) M's National Insurance number;
 - (iv) that P satisfies the conditions in regulation 4(2)(c) and (d);
 - (v) that P is to M's knowledge the only person exercising the entitlement to additional paternity leave in respect of C; and
 - (vi) that M consents to E processing such of M's information as is contained in the declaration.

(3) Where E makes a request within 28 days of receiving P's leave notice, P must, within 28 days of E's request, give E such of the following as E may request—

- (a) a copy of C's birth certificate; and
- (b) the name and address of M's employer (or, if M is self-employed, M's business address).

(4) After giving leave notice, P must give E written notice ("withdrawal notice") as soon as reasonably practicable if—

- (a) P no longer satisfies the conditions in regulation 4(2)(c) or (d); or
 - (b) M no longer satisfies the conditions in regulation 4(5).
- (5) E may require P to take a period of leave where—
- (a) P has given E withdrawal notice less than six weeks before the start date specified in P's leave notice or, where applicable, last varied in accordance with regulation 7, and
 - (b) it is not reasonably practicable for E to accommodate the change in P's arrangements.
- (6) Leave that E may require P to take under paragraph (5)—
- (a) shall be treated as additional paternity leave for the purpose of these Regulations;
 - (b) shall start on the start date specified in P's leave notice, or, where applicable, last varied in accordance with regulation 7; and
 - (c) shall end no later than—
 - (i) six weeks after the date on which withdrawal notice was given to E, or
 - (ii) the end date specified in P's leave notice or, where applicable, last varied in accordance with regulation 7,whichever is the earlier.
- (7) E may require P to remain on leave where—
- (a) P has given E withdrawal notice after P's period of additional paternity leave has begun, and
 - (b) it is not reasonably practicable for E to accommodate the change in P's arrangements.
- (8) The period for which E may require P to remain on leave under paragraph (7)—
- (a) shall end no later than the earlier of—
 - (i) six weeks after the date on which P gave E withdrawal notice, or
 - (ii) the end date specified in P's leave notice or, where applicable, last varied in accordance with regulation 7; and
 - (b) shall be treated as additional paternity leave for the purpose of these Regulations.