
STATUTORY INSTRUMENTS

2010 No. 1055

The Additional Paternity Leave Regulations 2010

PART 4

**PROVISIONS APPLICABLE TO BOTH TYPES
OF ADDITIONAL PATERNITY LEAVE**

Calculation of a week's pay

36. Where—

- (a) under Chapter 2 of Part 14 of the 1996 Act, the amount of a week's pay of an employee falls to be calculated by reference to the average rate of remuneration, or the average amount of remuneration, payable to the employee in respect of a period of 12 weeks ending on a particular date (referred to as "the calculation date"),
- (b) during a week in that period, the employee was absent from work on additional paternity leave, and
- (c) remuneration is payable to the employee in respect of that week under the employee's contract of employment, but the amount payable is less than the amount that would be payable if the employee were working,

that week shall be disregarded for the purpose of the calculation and account shall be taken of remuneration in earlier weeks so as to bring up to twelve the number of weeks of which account is taken.