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STATUTORY INSTRUMENTS

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**2024 No. 329**

**The Paternity Leave (Amendment) Regulations 2024**

**PART 2**

**Amendments to the Paternity and Adoption Leave Regulations 2002**

**10.** For regulation 6 (notice and evidential requirements for leave under regulation 4) substitute—

**“Notice and evidential requirements for leave under regulation 4**

**6.—**(1) An employee must give their employer—

- (a) notice of their entitlement to take leave in respect of a child under regulation 4 which specifies the expected week of the child’s birth, and
- (b) a declaration in writing that the employee satisfies the conditions in regulation 4(2)(b) and (c).

(2) The employee must also give their employer, on each occasion that a period of leave is chosen in accordance with regulation 5—

- (a) a notice that specifies the start day or date of the period of leave and its duration, and
- (b) a declaration in writing that the purpose of that period of leave will be that specified in regulation 4(1).

(3) The notice and declaration in paragraph (1) must be given in or before the 15th week before the expected week of the child’s birth or, if it is not reasonably practicable to do so, as soon as is reasonably practicable.

(4) The notice and declaration in paragraph (2) must be given at least 28 days before—

- (a) the first day of the expected week of the child’s birth, where the option in regulation 5(3)(a) is chosen;
- (b) the date falling the specified number of days after the first day of the expected week of the child’s birth, where the option in regulation 5(3)(b) is chosen;
- (c) the predetermined date, where the option in regulation 5(3)(c) is chosen;

or, if it is not reasonably practicable to do so, as soon as is reasonably practicable.

(5) An employee who has previously given notice under paragraph (2)(a) or (8) or this paragraph may—

- (a) vary the day or date chosen as the day or date on which a period of leave will begin or end, or
- (b) cancel the period of leave chosen,

provided that notice of the variation or cancellation is given to the employer in accordance with paragraph (6).

(6) A notice under paragraph (5) must be given by whichever is the earlier of at least 28 days before—

(a) the original day or date referred to in paragraph (7)(a), or  
(b) the new day or date referred to in paragraph (7)(b),  
or, if it is not reasonably practicable to do so, as soon as is reasonably practicable.

(7) For the purposes of—

(a) paragraph (6)(a), where a notice has previously been given under paragraph (2)(a), (5) or (8), the original day or date is—

- (i) the first day of the expected week of the child’s birth, where the option in regulation 5(3)(a) was chosen in that notice;
- (ii) the specified number of days after the first day of the expected week of the child’s birth, where the option in regulation 5(3)(b) was chosen in that notice;
- (iii) the predetermined date specified in that notice, where the option in regulation 5(3)(c) was chosen;

(b) paragraph (6)(b), the new day or date is—

- (i) the first day of the expected week of the child’s birth, where the option in regulation 5(3)(a) is chosen in the notice of variation;
- (ii) the date falling the specified number of days after the first day of the expected week of the child’s birth, where the option in regulation 5(3)(b) is chosen in the notice of variation;
- (iii) the predetermined date specified in the notice of variation, where the option in regulation 5(3)(c) is chosen.

(8) In a case where—

- (a) the employee has chosen to begin a period of leave on a particular predetermined date, and
- (b) the child is not born on or before that date,

the employee must vary the choice of date by substituting a later predetermined date, or exercising an alternative option under regulation 5(3), and must give the employer notice of the variation as soon as is reasonably practicable.

(9) Where a notice is given under paragraph (5) or (8) which varies the days or dates of a period of leave, a declaration under paragraph (2)(b) in relation to that period must be given at the same time as that notice.

(10) An employee must give their employer a further notice, as soon as is reasonably practicable after the child’s birth, of the date on which the child was born.

(11) Notice under paragraphs (1)(a), (2)(a), (5), (8) or (10) must be given in writing, if the employer so requests.”.