



Not all law firms are  
the same  
Our people are what  
make us

Meet us 

## Could this be the end of additional paternity leave before it starts?

New legislation introducing additional paternity leave which came into force on 6 April 2010 could now be shelved by the Government, MP suggests.

### Additional paternity leave regulations

The new rules on paternity leave apply to parents of babies due on or after 3 April 2011, or to adoptive parents who are notified of having been matched with a child on or after that date. The new legislation provides that eligible employees (primarily fathers) are entitled to 26 weeks' additional paternity leave for the purpose of caring for a child under one, or for an adopted child in the first year after being placed for adoption. This is in addition to the two weeks' paternity leave already offered under current legislation.

Additional paternity leave can only be taken once the mother has returned to work and the child is over 20 weeks old, or has been with the adoptive parents for 20 weeks. This means that a father will not be entitled to take additional paternity leave whilst the mother remains at home. The reason behind this is that the additional paternity leave has only been implemented to accommodate a mother's return to work and to give parents the flexibility on who looks after the children. The right also applies to those in civil partnerships.

### New rules to be shelved?

Theresa May, MP, has now suggested that these regulations, introduced by Labour, could now be shelved and rewritten. The Government promised a new system of flexible parental leave in their programme for Government and it is thought that ministers are preparing to scrap the incoming changes in order to develop their own more far-reaching proposals.

### What should employers do?

Although the regulations are in force, they are not due to become effective until April 2011 therefore; at present there is no need for employers to update their current practices. However, watch this space - this may be an opportunity to consider employer schemes to bring them into line with new Government plans when announced, this is particularly so where the employer's scheme is more generous than Government plans.

Consistent with our policy when giving comment and advice on a non-specific basis, we cannot assume legal responsibility for the accuracy of any particular statement. In the case of specific problems we recommend that professional advice be sought.

[Back to news](#)

**SEE ALSO**

[Our people](#)  
[Our services](#)

## **| Speak to us**

Give us a **call on +44(0)118 959 7711** or click to [submit an enquiry](#).

---

[Site map](#) | [Privacy policy](#) | [Accessibility](#) | Copyright © 2010  
Boyes Turner

