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STATUTORY INSTRUMENTS

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**2010 No. 1055**

**The Additional Paternity Leave Regulations 2010**

**PART 4**

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

**Contractual rights to additional paternity leave**

**35.**—(1) This regulation applies where P is entitled to additional paternity leave (referred to in paragraph (2) as a “statutory right”) and also to a right which corresponds to that right and which arises under P’s contract of employment or otherwise.

(2) In a case where this regulation applies—

- (a) P may not exercise the statutory right and the corresponding right separately but may, in taking the leave for which the two rights provide, take advantage of whichever right is, in any particular respect, the more favourable, and
- (b) the provisions of the 1996 Act and of these Regulations relating to the statutory right apply, subject to any modifications necessary to give effect to any more favourable contractual terms, to the exercise of the composite right described in sub-paragraph (a) as they apply to the exercise of the statutory right.