



# Work and Families Act 2006

## 2006 CHAPTER 18

### *Extension of maternity pay period and adoption pay period*

#### **1 Maternity pay period**

In the Social Security Contributions and Benefits Act 1992 (c. 4) (in this Act referred to as “SSCBA 1992”), in section 165(1) (which specifies the maximum period that may be prescribed as the period for which statutory maternity pay and, by virtue of section 35(2) of that Act, maternity allowance, is payable), for “26 weeks” substitute “ 52 weeks ”.

#### **Commencement Information**

- 11** S. 1 in force at 27.6.2006 for specified purposes by [S.I. 2006/1682, art. 2\(a\)](#)
- 12** S. 1 in force at 1.10.2006 in so far as not already in force by [S.I. 2006/1682, art. 3\(a\)](#)

#### **2 Adoption pay period**

In section 171ZN(2) of SSCBA 1992 (which specifies the maximum period that may be prescribed as the period for which statutory adoption pay is payable), for “26 weeks” substitute “ 52 weeks ”.

#### **Commencement Information**

- 13** S. 2 in force at 27.6.2006 for specified purposes by [S.I. 2006/1682, art. 2\(b\)](#)
- 14** S. 2 in force at 1.10.2006 in so far as not already in force by [S.I. 2006/1682, art. 3\(b\)](#)

### *Additional paternity leave and pay*

#### **F13 Additional paternity leave: birth**

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*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

**Textual Amendments**

**F1** Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 66**; S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

**F14 Additional paternity leave: adoption**

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**Textual Amendments**

**F1** Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 66**; S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

**F15 Rights during and after additional paternity leave**

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**Textual Amendments**

**F1** Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 66**; S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

**F16 Entitlement to additional statutory paternity pay: birth**

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**Textual Amendments**

**F1** Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 66**; S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

**F17 Entitlement to additional statutory paternity pay: adoption**

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**Textual Amendments**

**F1** Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 66**; S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

**F18 Entitlement to additional statutory paternity pay: general**

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*Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006. (See end of Document for details)*

**Textual Amendments**

- F1** Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 66](#); S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

**F19 Liability to make payments of additional statutory paternity pay**

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**Textual Amendments**

- F1** Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 66](#); S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

**F110 Additional statutory paternity pay: rate and period of pay**

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**Textual Amendments**

- F1** Ss. 3-10 repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 66](#); S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

*Leave and pay related to birth or adoption: further amendments*

**11 Leave and pay related to birth or adoption: further amendments**

- (1) Schedule 1 (which contains further amendments relating to statutory leave and pay) has effect.

**F2**(2) .....

- (3) Any reference to ordinary statutory paternity pay in any enactment (including this Act and any enactment amended by this Act) or any instrument or document is to be read, in relation to any time before the commencement of paragraphs 12 and 13 of Schedule 1, as a reference to statutory paternity pay.

**Textual Amendments**

- F2** [S. 11\(2\)](#) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 67](#); S.I. 2014/1640, [art. 7\(II\)](#) (with [art. 16](#))

**Commencement Information**

- I5** S. 11 in force at 27.6.2006 for specified purposes by [S.I. 2006/1682](#), [art. 2\(c\)](#)
- I6** S. 11 in force at 1.10.2006 for specified purposes by [S.I. 2006/1682](#), [art. 3\(c\)](#)
- I7** S. 11 in force at 1.10.2006 for specified purposes by [S.I. 2006/2232](#), [art. 2\(a\)](#)
- I8** S. 11(1) in force at 3.3.2010 for specified purposes by [S.I. 2010/495](#), [art. 3\(b\)](#)
- I9** S. 11(1) in force at 6.4.2010 for specified purposes by [S.I. 2010/495](#), [art. 4\(a\)](#)
- I10** S. 11(2)(3) in force at 6.4.2010 in so far as not already in force by [S.I. 2010/495](#), [art. 4\(b\)](#)

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*Miscellaneous provisions about employment rights*

**12 Flexible working**

- (1) Section 80F of ERA 1996 (statutory right to request contract variation) is amended as follows.
- (2) In subsection (1), for paragraph (b) substitute—
- “(b) his purpose in applying for the change is to enable him to care for someone who, at the time of application, is—
- (i) a child who has not reached the prescribed age or falls within a prescribed description and in respect of whom (in either case) the employee satisfies prescribed conditions as to relationship, or
- (ii) a person aged 18 or over who falls within a prescribed description and in respect of whom the employee satisfies prescribed conditions as to relationship.”
- (3) In subsection (2)(d), for the words from “child” to the end substitute “ child or other person to be cared for, the conditions as to relationship mentioned in subsection (1) (b)(i) or (ii) ”.
- (4) Omit subsections (3), (6) and (7).
- (5) After subsection (8) insert—
- “(9) Regulations under this section may make different provision for different cases.
- (10) In this section—
- “child” means a person aged under 18;
- “prescribed” means prescribed by regulations made by the Secretary of State.”

**Commencement Information**

**III** S. 12 in force at 6.4.2007 by S.I. 2006/1682, art. 4(a)

**13 Annual leave**

- (1) The Secretary of State may by regulations make provision conferring on workers the right, except in prescribed cases, to a prescribed amount of annual leave in each leave year, as defined for the purposes of the regulations.
- (2) The regulations may in particular—
- (a) make provision for determining the amount of annual leave to which workers are to be entitled;
- (b) make provision for determining the amount of pay in respect of any period of leave which is required by the regulations to be paid leave;
- (c) make provision enabling a worker to elect when to take leave to which he is entitled by virtue of the regulations, subject to any provision of the regulations enabling his employer to require him to take, or not to take, that leave at a particular time;

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- (d) make provision for the payment of compensation in prescribed cases to a worker who has not taken leave to which he is entitled;
  - (e) make provision as to the relationship between the rights conferred by the regulations and a worker's rights to leave, pay or compensation under any contract or under any Act or subordinate legislation;
  - (f) enable a worker to present a complaint to an employment tribunal that his employer has refused to permit him to exercise any right he has under the regulations, or has failed to pay him any amount due to him under the regulations;
  - <sup>F3</sup>(g) .....
- (3) Regulations under this section may make provision as to—
- (a) who is to be treated as a worker for the purposes of the regulations, and
  - (b) who is to be treated as the worker's employer.
- (4) Regulations under this section may in particular—
- (a) make provision applying to—
    - (i) Crown employment and persons in Crown employment;
    - (ii) service as a member of the armed forces;
  - <sup>F4</sup>(b) .....
- (5) Regulations under this section may not make provision in relation to the subject-matter of the Agricultural Wages (Scotland) Act 1949 (c. 30) (as that Act had effect on 1st July 1999).
- (6) Regulations under this section—
- (a) are to be made by statutory instrument;
  - (b) may make different provision for different cases;
  - (c) may contain incidental, supplemental, consequential, transitional or saving provision, including provision amending any Act or subordinate legislation.
- (7) No statutory instrument containing regulations under this section may be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (8) In this section—
- <sup>F5</sup> ...
    - “the armed forces” means any of the naval, military or air forces of the Crown;
    - “Crown employment” has the meaning given by section 191(3) of ERA 1996;
    - “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).

**Textual Amendments**

- F3** S. 13(2)(g) omitted (31.1.2020) by virtue of [The Employment Rights \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/536\)](#), reg. 1(1), [Sch. para. 2\(a\)](#) (with Sch. Pt. 3); 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 13(4)(b) omitted (31.1.2020) by virtue of [The Employment Rights \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/536\)](#), reg. 1(1), [Sch. para. 2\(b\)](#) (with Sch. Pt. 3); 2020 c. 1, Sch. 5 para. 1(1)

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**F5** Words in s. 13(8) omitted (31.1.2020) by virtue of [The Employment Rights \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/536\)](#), reg. 1(1), **Sch. para. 2(c)** (with Sch. Pt. 3); 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

**I12** S. 13 in force at 1.10.2006 by [S.I. 2006/1682](#), **art. 3(f)**

**14 Increase of maximum amount of a week's pay for certain purposes**

- (1) This section applies to the sums specified in the following provisions—
- (a) section 186(1)(a) and (b) of ERA 1996 (employee's rights on insolvency of employer: maximum amount payable);
  - (b) section 227(1) of ERA 1996 (maximum amount of a week's pay for the purposes of certain provisions of the Act relating to awards of compensation and redundancy payments).
- (2) The Secretary of State may, on one occasion only, by order substitute for each of the sums mentioned in subsection (1) such higher sum as may be specified in the order.
- (3) An order under this section—
- (a) is to be made by statutory instrument;
  - (b) may include transitional provision;
  - (c) may exclude, on a single occasion specified in the order under this section, any duty to make an order under section 34 of the 1999 Act (indexation of certain amounts, &c), so far as relating to the sums mentioned in subsection (1).
- (4) Subject to any provision made under subsection (3)(c), this section does not affect the operation of section 34 of the 1999 Act in relation to the sums substituted by the order under this section in the provisions mentioned in subsection (1).
- (5) No statutory instrument containing an order under this section may be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In this section “the 1999 Act” means the Employment Relations Act 1999 (c. 26).

**Commencement Information**

**I13** S. 14 in force at 1.10.2006 by [S.I. 2006/1682](#), **art. 3(g)**

*Supplementary*

**15 Repeals**

The enactments specified in Schedule 2 are repealed to the extent specified.

**Commencement Information**

**I14** S. 15 in force at 1.10.2006 for specified purposes by [S.I. 2006/1682](#), **art. 3(h)**

**I15** S. 15 in force at 6.4.2010 for specified purposes by [S.I. 2010/495](#), **art. 4(c)**

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## **16 Interpretation**

In this Act—

“ERA 1996” means the Employment Rights Act 1996 (c. 18);

“SSCBA 1992” means the Social Security Contributions and Benefits Act 1992 (c. 4).

## **17 Corresponding provision for Northern Ireland**

An Order in Council under paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) (legislation for Northern Ireland during suspension of devolved government) which contains a statement that it is made only for purposes corresponding to those of this Act—

- (a) is not subject to paragraph 2 of that Schedule (affirmative resolution of both Houses of Parliament), but
- (b) is subject to annulment in pursuance of a resolution of either House of Parliament.

## **18 Financial provisions**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenses incurred by a Minister of the Crown or government department under this Act, and
  - (b) any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.
- (2) There shall be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other Act.

## **19 Commencement**

- (1) Sections 16 to 18, this section and section 20 come into force on the day on which this Act is passed.
- (2) The other provisions of this Act come into force in accordance with provision made by the Secretary of State by order made by statutory instrument.
- (3) An order under this section—
  - (a) may make different provision for different purposes;
  - (b) may include supplementary, incidental, saving or transitional provisions.

## **20 Short title and extent**

- (1) This Act may be cited as the Work and Families Act 2006.
- (2) Subject to subsection (3), this Act extends to England and Wales and Scotland only.
- (3) The following provisions extend also to Northern Ireland—
  - (a) this section and sections 17 to 19;
  - (b) paragraphs 2, 45, 49, and 55 to 61 of Schedule 1, and section 11 so far as relating to those paragraphs;

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- (c) the entry in Schedule 2 relating to the Income Tax (Earnings and Pensions) Act 2003 (c. 1), and section 15 so far as relating to that entry.



**Changes to legislation:**

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