

Changes to legislation: There are currently no known outstanding effects for the Work and Families Act 2006, Cross Heading: Employment Rights Act 1996 (c. 18). (See end of Document for details)

SCHEDULES

SCHEDULE 1

LEAVE AND PAY RELATED TO BIRTH OR ADOPTION: FURTHER AMENDMENTS

Employment Rights Act 1996 (c. 18)

- 29 In section 27(1) of ERA 1996 (meaning of “wages” etc.), in paragraph (ca), for “statutory paternity pay” substitute “ordinary statutory paternity pay or additional statutory paternity pay”.

Commencement Information

I1 Sch. 1 para. 29 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 30 In section 47C of ERA 1996 (leave for domestic and family reasons), in subsection (2), for paragraph (ca) substitute—
“(ca) ordinary or additional paternity leave, or”.

Commencement Information

I2 Sch. 1 para. 30 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

- 31 In section 71 of ERA 1996 (ordinary maternity leave), for subsection (3) substitute—
“(3) Regulations under subsection (2)—
(a) shall secure that, where an employee has a right to leave under this section, she is entitled to an ordinary maternity leave period of at least 26 weeks;
(b) may allow an employee to choose, subject to prescribed restrictions, the date on which an ordinary maternity leave period starts;
(c) may specify circumstances in which an employee may work for her employer during an ordinary maternity leave period without bringing the period to an end.”

Commencement Information

I3 Sch. 1 para. 31 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

I4 Sch. 1 para. 31 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

- 32 In section 73 of ERA 1996 (additional maternity leave), for subsection (3) substitute—
“(3) Regulations under subsection (2)—

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- (a) may allow an employee to choose, subject to prescribed restrictions, the date on which an additional maternity leave period ends;
- (b) may specify circumstances in which an employee may work for her employer during an additional maternity leave period without bringing the period to an end.”

Commencement Information

- I5** Sch. 1 para. 32 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)
I6 Sch. 1 para. 32 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

- 33 In section 75A of ERA 1996 (ordinary adoption leave), after subsection (2) insert—
“(2A) Regulations under subsection (2) may specify circumstances in which an employee may work for his employer during an ordinary adoption leave period without bringing the period to an end.”

Commencement Information

- I7** Sch. 1 para. 33 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)
I8 Sch. 1 para. 33 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

- 34 In section 75B of ERA 1996 (additional adoption leave), for subsection (3) substitute—
“(3) Regulations under subsection (2)—
(a) may allow an employee to choose, subject to prescribed restrictions, the date on which an additional adoption leave period ends;
(b) may specify circumstances in which an employee may work for his employer during an additional adoption leave period without bringing the period to an end.”

Commencement Information

- I9** Sch. 1 para. 34 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)
I10 Sch. 1 para. 34 in force at 1.10.2006 in so far as not already in force by S.I. 2006/1682, art. 3(d)

- 35 In the heading to section 80A of ERA 1996 (entitlement to paternity leave: birth), after “to” insert “ ordinary ”.

Commencement Information

- I11** Sch. 1 para. 35 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 36 In the heading to section 80B of ERA 1996 (entitlement to paternity leave: adoption), after “to” insert “ ordinary ”.

Commencement Information

- I12** Sch. 1 para. 36 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

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37 In section 80D of ERA 1996 (special cases), in subsection (1) for “80A or 80B” substitute “ 80A, 80AA, 80B or 80BB ”.

Commencement Information

I13 Sch. 1 para. 37 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

38 (1) Section 80E of ERA 1996 (Chapter 3: supplemental) is amended as follows.
(2) For “section 80A or 80B”, wherever occurring, substitute “ any of sections 80A to 80BB ”.
^{F1}(3)

Textual Amendments

F1 Sch. 1 para. 38(3) repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), Sch. 7 para. 68; S.I. 2014/1640, art. 7(mm) (with art. 16)

Commencement Information

I14 Sch. 1 para. 38 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

39 (1) Section 88 of ERA 1996 (employments with normal working hours) is amended as follows.
(2) In subsection (1)(c), for “paternity leave” substitute “ ordinary or additional paternity leave ”.
(3) In subsection (2), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

Commencement Information

I15 Sch. 1 para. 39 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

40 (1) Section 89 of ERA 1996 (employments without normal working hours) is amended as follows.
(2) In subsection (3)(b), for “paternity leave” substitute “ ordinary or additional paternity leave ”.
(3) In subsection (4), for “statutory paternity pay” substitute “ ordinary statutory paternity pay, additional statutory paternity pay ”.

Commencement Information

I16 Sch. 1 para. 40 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

41 In section 99 of ERA 1996 (leave for family reasons), in subsection (3), for paragraph (ca) substitute—
“(ca) ordinary or additional paternity leave, or”.

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I17 Sch. 1 para. 41 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

- 42 In section 106 of ERA 1996 (replacements), in subsection (2)(a) after “adoption leave” insert “ or leave under section 80AA or 80BB (additional paternity leave) ”.

Commencement Information

I18 Sch. 1 para. 42 in force at 6.4.2010 by S.I. 2010/495, art. 4(d)

- 43 In section 235 of ERA 1996 (other definitions), for the definition of “paternity leave” substitute—

““ordinary or additional paternity leave” means leave under any of sections 80A to 80BB,”.

Commencement Information

I19 Sch. 1 para. 43 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

- 44 In section 236 of ERA 1996 (orders and regulations), in subsection (3) (affirmative procedure), for “80A, 80B, 80G” substitute “ 80A, 80AA, 80B, 80BB, 80G ”.

Commencement Information

I20 Sch. 1 para. 44 in force at 3.3.2010 by S.I. 2010/495, art. 3(c)

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