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STATUTORY INSTRUMENTS

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**1994 No. 2479**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Maternity (Compulsory Leave) Regulations 1994**

*Made* - - - - *21st September 1994*  
*Laid before Parliament* *28th September 1994*  
*Coming into force* - - *19th October 1994*

The Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to pregnant workers and/or workers who have recently given birth and/or workers who are breastfeeding, in exercise of the powers conferred on him by that subsection, and of all other powers enabling him in that behalf hereby makes the following Regulations:—

**Citation, extent, commencement and interpretation**

1.—(1) These Regulations, which extend to Great Britain, may be cited as the Maternity (Compulsory Leave) Regulations 1994 and shall come into force on 19th October 1994.

(2) In these Regulations “childbirth” means the birth of a living child or the birth of a child whether living or dead after twenty-four weeks of pregnancy.

**Maternity Leave**

2. An employee entitled to maternity leave in accordance with Part III of the Employment Protection (Consolidation) Act 1978<sup>(3)</sup>, shall not work, or be permitted by her employer to work, during the period of two weeks which commence with the day on which childbirth occurs.

**Enforcement and Offences**

3.—(1) Subject to paragraph (2) below, the enforcement and offences provisions of the Health and Safety at Work etc Act 1974<sup>(4)</sup> and the provisions of the Health and Safety (Enforcing Authority) Regulations 1989<sup>(5)</sup> shall apply to the prohibition imposed upon an employer by regulation 2 above as if the prohibition had been imposed by regulations made under section 15 of that Act.

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(1) S.I.1994/1887.  
(2) 1972 c. 68.  
(3) 1978 c. 44.  
(4) 1974 c. 37.  
(5) S.I. 1989/1903.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) An employer guilty of an offence consisting of a breach of a prohibition imposed on him by regulation 2 above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Signed by order of the Secretary of State.

21st September 1994

*James Paice*  
Parliamentary Under Secretary of State,  
Department of Employment

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply to Great Britain, make provisions which are necessary to give full effect to article 8(2) of Council Directive No [92/85/EEC](#) (OJ no. L348/1). Article 8(2) provides that maternity leave must include compulsory maternity leave of at least two weeks allocated before and/or after confinement in accordance with national legislation and/or practice.

Regulation 2 provides that an employee entitled to maternity leave shall not work or be permitted to work by her employer during the period of two weeks beginning with the date of her confinement.

Regulation 3(1) provides that the enforcement and offences provisions of the Health and Safety at Work etc Act 1974 and the provisions of the Health and Safety (Enforcing Authority) Regulations 1989 shall apply to the prohibition imposed upon an employer by regulation 2 of these Regulations as if the prohibition had been imposed by regulations made under section 15 of that Act.

The effect of applying the 1989 Regulations to the prohibition will be that the question of whether the Health and Safety Executive or a particular local authority is the enforcing authority in respect of the prohibition will be determined in accordance with those Regulations.

Regulation 3(2) provides that an employer who is guilty of an offence consisting of a breach of a prohibition imposed by regulation 2 shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.