

**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 ”.
- <sup>F1</sup>(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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**Commencement Information**

**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 ”.

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

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