

Status: Point in time view as at 01/10/2006. This version of this cross heading contains provisions that are not valid for this point in time.

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)

VALID FROM 06/04/2010

- 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 ”.

VALID FROM 03/03/2010

- 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”.

- 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

- I1** Sch. 1 para. 31 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)
I2 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)—

- (a) may allow an employee to choose, subject to prescribed restrictions, the date on which an additional maternity leave period ends;

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- (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

I3 Sch. 1 para. 32 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

I4 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

I5 Sch. 1 para. 33 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

I6 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

I7 Sch. 1 para. 34 in force at 27.6.2006 for specified purposes by S.I. 2006/1682, art. 2(d)

I8 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)

VALID FROM 06/04/2010

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

VALID FROM 06/04/2010

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

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VALID FROM 03/03/2010

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

VALID FROM 03/03/2010

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 ”.

(3) Renumber the provision as so amended to become subsection (1) of the section and at the end insert—

“(2) The persons on whom duties may be imposed by regulations under section 80AA or 80BB include not only employees exercising rights by virtue of that section and their employers but also—

(a) in the case of section 80AA, the mother of the child in question and any employer or former employer of hers, and

(b) in the case of section 80BB, the person by reference to whom the condition in subsection (1)(c) of that section is satisfied and any employer or former employer of that person.”

VALID FROM 06/04/2010

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 ”.

VALID FROM 06/04/2010

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 ”.

VALID FROM 03/03/2010

41 In section 99 of ERA 1996 (leave for family reasons), in subsection (3), for paragraph (ca) substitute—

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“(ca) ordinary or additional paternity leave, or”.

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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) ”.

VALID FROM 03/03/2010

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.”.

VALID FROM 03/03/2010

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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