

**Changes to legislation:** There are currently no known outstanding effects for the Children and Families Act 2014, Cross Heading: Employment Rights Act 1996 (c. 18). (See end of Document for details)

## SCHEDULES

### SCHEDULE 7

#### STATUTORY RIGHTS TO LEAVE AND PAY: FURTHER AMENDMENTS

##### *Employment Rights Act 1996 (c. 18)*

29 The Employment Rights Act 1996 is amended as follows.

#### Commencement Information

**I1** Sch. 7 para. 29 in force at 30.6.2014 by [S.I. 2014/1640](#), [art. 3\(2\)\(f\)](#)

- 30 In section 27 (meaning of “wages”), in subsection (1) (sums included)—
- (a) in paragraph (ca), for “ordinary statutory paternity pay or additional statutory paternity pay” there is substituted “statutory paternity pay”;
  - (b) after paragraph (cb) there is inserted—  
“(cc) statutory shared parental pay under Part 12ZC of that Act,”.

#### Commencement Information

**I2** Sch. 7 para. 30(a) in force at 5.4.2015 by [S.I. 2014/1640](#), [art. 7\(m\)](#) (with [art. 16](#))  
**I3** Sch. 7 para. 30(b) in force at 1.12.2014 by [S.I. 2014/1640](#), [art. 5\(2\)\(k\)](#)

- 31 In section 47C (right not to be subjected to detriment in connection with leave for family and domestic reasons), in subsection (2) (reasons that may be prescribed)—
- (a) after paragraph (ba) there is inserted—  
“(bb) shared parental leave,”;
  - (b) in paragraph (ca) (paternity leave), the words “ordinary or additional” are repealed.

#### Commencement Information

**I4** Sch. 7 para. 31(a) in force at 30.6.2014 by [S.I. 2014/1640](#), [art. 3\(2\)\(g\)](#)  
**I5** Sch. 7 para. 31(b) in force at 5.4.2015 by [S.I. 2014/1640](#), [art. 7\(n\)](#) (with [art. 16](#))

- 32 In section 80A (entitlement to ordinary paternity leave: birth), in the title, the word “ordinary” is repealed.

#### Commencement Information

**I6** Sch. 7 para. 32 in force at 5.4.2015 by [S.I. 2014/1640](#), [art. 7\(o\)](#) (with [art. 16](#))

*Changes to legislation: There are currently no known outstanding effects for the Children and Families Act 2014, Cross Heading: Employment Rights Act 1996 (c. 18). (See end of Document for details)*

- 33 In section 80B (entitlement to ordinary paternity leave: adoption), in the title, the word “ordinary” is repealed.

**Commencement Information**

**I7** Sch. 7 para. 33 in force at 5.4.2015 by [S.I. 2014/1640](#), [art. 7\(o\)](#) (with [art. 16](#))

- 34 (1) Section 80C (rights during and after ordinary and additional paternity leave) is amended as follows.
- (2) In subsection (1) (provision as to rights under section 80A or 80AA), the words “or 80AA” are repealed.
- (3) In subsection (2) (absence on leave under section 80A or 80AA may include a period of other statutory leave)—
- (a) the words “or 80AA” are repealed;
  - (b) paragraph (za) (leave under section 80AA) is repealed;
  - (c) the “and” following paragraph (b) is repealed;
  - (d) after paragraph (b) there is inserted—  
“ba) shared parental leave, and”.
- (4) In subsection (3) (provision as to rights under section 80B or 80BB)—
- (a) the words “or 80BB” are repealed;
  - (b) the words “or 80AA” are repealed.
- (5) In subsection (4) (absence on leave under section 80B or 80BB may include a period of other statutory leave)—
- (a) the words “or 80BB” are repealed;
  - (b) paragraph (za) (leave under section 80BB) is repealed;
  - (c) after paragraph (b) there is inserted—  
“ba) shared parental leave,”;
  - (d) in paragraph (d) (leave under section 80A or 80AA), the words “or 80AA” are repealed.
- (6) In subsection (6) (provision as to remuneration), for “any of sections 80A to 80BB” there is substituted “section 80A or 80B”.
- (7) In subsection (7) (provision as to seniority on return etc), for “any of sections 80A to 80BB” there is substituted “section 80A or 80B”.

**Commencement Information**

**I8** Sch. 7 para. 34(1)(3)(c)(d)(5)(c) in force at 30.6.2014 by [S.I. 2014/1640](#), [art. 3\(2\)\(h\)](#)

**I9** Sch. 7 para. 34(2)(3)(a)(b)(4)(5)(a)(b)(d)(6)(7) in force at 5.4.2015 by [S.I. 2014/1640](#), [art. 7\(p\)](#) (with [art. 16](#))

- 35 In section 80D (provision as to redundancy or dismissal), in subsection (1), for “, 80AA, 80B or 80BB” there is substituted “or 80B”.

**Changes to legislation:** There are currently no known outstanding effects for the Children and Families Act 2014, Cross Heading: Employment Rights Act 1996 (c. 18). (See end of Document for details)

**Commencement Information**

**I10** Sch. 7 para. 35 in force at 5.4.2015 by [S.I. 2014/1640](#), [art. 7\(q\)](#) (with [art. 16](#))

- 36 (1) Section 80E (supplemental to Chapter 3 of Part 8) is amended as follows.
- (2) In subsection (1) (provision that may be made by regulations), for “any of sections 80A to 80BB”, in each place it occurs, there is substituted “section 80A or 80B”.
- (3) Subsection (2) (persons who may be subjected to duties in connection with employees exercising rights under section 80AA or 80BB) is repealed.

**Commencement Information**

**I11** Sch. 7 para. 36 in force at 5.4.2015 by [S.I. 2014/1640](#), [art. 7\(q\)](#) (with [art. 16](#))

- 37 (1) Section 88 (liability of employer to pay employee during period of notice: employments with normal working hours) is amended as follows.
- (2) In subsection (1)(c) (liability to employee who is absent from work because of pregnancy etc)—
- (a) after “adoption leave,” there is inserted “shared parental leave,”;
- (b) for “ordinary or additional paternity leave” there is substituted “paternity leave”.
- (3) In subsection (2) (certain payments during the period of notice treated as meeting employer's liability)—
- (a) for “ordinary statutory paternity pay, additional statutory paternity pay” there is substituted “statutory paternity pay”;
- (b) after “statutory adoption pay,” there is inserted “shared parental pay, statutory shared parental pay,”.

**Commencement Information**

**I12** Sch. 7 para. 37(1)(2)(a)(3)(b) in force at 1.12.2014 by [S.I. 2014/1640](#), [art. 5\(2\)\(l\)](#)

**I13** Sch. 7 para. 37(2)(b)(3)(a) in force at 5.4.2015 by [S.I. 2014/1640](#), [art. 7\(r\)](#) (with [art. 16](#))

- 38 (1) Section 89 (effect of notice of termination: employments without normal working hours) is amended as follows.
- (2) In subsection (3)(b) (effect of absence from work because of pregnancy etc during the period of notice)—
- (a) after “adoption leave,” there is inserted “shared parental leave,”;
- (b) for “ordinary or additional paternity leave” there is substituted “paternity leave”.
- (3) In subsection (4) (certain payments during the period of notice treated as remuneration)—
- (a) for “ordinary statutory paternity pay, additional statutory paternity pay” there is substituted “statutory paternity pay”;
- (b) after “statutory adoption pay,” there is inserted “shared parental pay, statutory shared parental pay,”.

*Changes to legislation: There are currently no known outstanding effects for the Children and Families Act 2014, Cross Heading: Employment Rights Act 1996 (c. 18). (See end of Document for details)*

#### Commencement Information

- I14** Sch. 7 para. 38(1)(2)(a)(3)(b) in force at 1.12.2014 by [S.I. 2014/1640](#), [art. 5\(2\)\(m\)](#)  
**I15** Sch. 7 para. 38(2)(b)(3)(a) in force at 5.4.2015 by [S.I. 2014/1640](#), [art. 7\(s\)](#) (with [art. 16](#))

- 39 In section 99 (dismissal to be regarded as unfair where the dismissal relates to leave for family reasons), in subsection (3) (reasons or sets of circumstances that may be prescribed)—
- (a) after paragraph (ba) there is inserted—
    - “(bb) shared parental leave,”;
  - (b) in paragraph (ca), for “ordinary or additional paternity leave” there is substituted “paternity leave”.

#### Commencement Information

- I16** Sch. 7 para. 39(a) in force at 30.6.2014 by [S.I. 2014/1640](#), [art. 3\(2\)\(i\)](#)  
**I17** Sch. 7 para. 39(b) in force at 5.4.2015 by [S.I. 2014/1640](#), [art. 7\(t\)](#) (with [art. 16](#))

- 40 In section 106 (dismissal of employee engaged as replacement for person absent from work because of pregnancy etc), in subsection (2)(a), for “leave under section 80AA or 80BB (additional paternity leave)” there is substituted “shared parental leave”.

#### Commencement Information

- I18** Sch. 7 para. 40 in force at 1.12.2014 by [S.I. 2014/1640](#), [art. 5\(2\)\(n\)](#) (with [art. 12](#))

- 41 In section 230 (meaning of “employee”, etc), after subsection (6) there is inserted—
- “(7) This section has effect subject to section 75K(3) and (5).”

#### Commencement Information

- I19** Sch. 7 para. 41 in force at 30.6.2014 by [S.I. 2014/1640](#), [art. 3\(2\)\(j\)](#)

- 42 In section 235 (other definitions), in subsection (1)—
- (a) for the definition of “ordinary or additional paternity leave” there is substituted—
    - ““paternity leave” means leave under section 80A or 80B,”;
  - (b) in the definition of “week”, in paragraph (b), after “in sections” there is inserted “75F, 75H, ”;
  - (c) at the appropriate place there is inserted—
    - ““shared parental leave” means leave under section 75E or 75G,”.

#### Commencement Information

- I20** Sch. 7 para. 42(a) in force at 5.4.2015 by [S.I. 2014/1640](#), [art. 7\(u\)](#) (with [art. 16](#))  
**I21** Sch. 7 para. 42(b)(c) in force at 30.6.2014 by [S.I. 2014/1640](#), [art. 3\(2\)\(k\)](#)

---

**Changes to legislation:** There are currently no known outstanding effects for the Children and Families Act 2014, Cross Heading: Employment Rights Act 1996 (c. 18). (See end of Document for details)

---

- 43 In section 236 (orders and regulations), in subsection (3) (affirmative procedure), the following are repealed—
- (a) “80AA,”;
  - (b) “80BB,”.

---

**Commencement Information**

**I22** Sch. 7 para. 43 in force at 5.4.2015 by [S.I. 2014/1640](#), [art. 7\(v\)](#) (with [art. 16](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Families Act 2014, Cross  
Heading: Employment Rights Act 1996 (c. 18).