
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.