
STATUTORY INSTRUMENTS

1999 No. 3312

The Maternity and Parental Leave etc. Regulations 1999

PART II

MATERNITY LEAVE

Entitlement to ordinary maternity leave [^{F1}and to additional maternity leave]

4.—(1) An employee is entitled to ordinary maternity leave [^{F2}and to additional maternity leave] provided that she satisfies the following conditions—

- (a) [^{F3}no later than the end of the fifteenth week before her expected week of childbirth], or, if that is not reasonably practicable, as soon as is reasonably practicable, she notifies her employer of—
 - (i) her pregnancy;
 - (ii) the expected week of childbirth, and
 - (iii) the date on which she intends her ordinary maternity leave period to start,and
- (b) if requested to do so by her employer, she produces for his inspection a certificate from—
 - (i) a registered medical practitioner, or
 - (ii) a registered midwife,stating the expected week of childbirth.

[^{F4}(1A) An employee who has notified her employer under paragraph (1)(a)(iii) of the date on which she intends her ordinary maternity leave period to start may subsequently vary that date, provided that she notifies her employer of the variation at least—

- (a) 28 days before the date varied, or
- (b) 28 days before the new date,

whichever is the earlier, or, if that is not reasonably practicable, as soon as is reasonably practicable.]

(2) [^{F5}Notification under paragraph (1)(a)(iii) or (1A)]—

- (a) shall be given in writing, if the employer so requests, and
- (b) shall not specify a date earlier than the beginning of the eleventh week before the expected week of childbirth.

(3) Where, by virtue of regulation 6(1)(b), an employee's ordinary maternity leave period commences with [^{F6}the day which follows] the first day after the beginning of [^{F7}the fourth week] before the expected week of childbirth on which she is absent from work wholly or partly because of pregnancy—

- (a) paragraph (1) does not require her to notify her employer of the date specified in that paragraph, but

- (b) (whether or not she has notified him of that date) she is not entitled to ordinary maternity leave [^{F8}or to additional maternity leave] unless she notifies him as soon as is reasonably practicable that she is absent from work wholly or partly because of pregnancy [^{F9}and of the date on which her absence on that account began].
- (4) Where, by virtue of regulation 6(2), an employee's ordinary maternity leave period commences [^{F10}on the day which follows] the day on which childbirth occurs—
- (a) paragraph (1) does not require her to notify her employer of the date specified in that paragraph, but
- (b) (whether or not she has notified him of that date) she is not entitled to ordinary maternity leave [^{F11}or to additional maternity leave] unless she notifies him as soon as is reasonably practicable after the birth that she has given birth [^{F12}and of the date on which the birth occurred].
- (5) The notification provided for in paragraphs (3)(b) and (4)(b) shall be given in writing, if the employer so requests.

Textual Amendments

- F1** Words in [reg. 4 heading](#) inserted (1.10.2006 with effect in accordance with reg. 2 of the amending S.I.) by [The Maternity and Parental Leave etc. and the Paternity and Adoption Leave \(Amendment\) Regulations 2006 \(S.I. 2006/2014\)](#), regs. 1, **5(a)**
- F2** Words in [reg. 4\(1\)](#) inserted (1.10.2006 with effect in accordance with reg. 2 of the amending S.I.) by [The Maternity and Parental Leave etc. and the Paternity and Adoption Leave \(Amendment\) Regulations 2006 \(S.I. 2006/2014\)](#), regs. 1, **5(a)**
- F3** Words in [reg. 4\(1\)\(a\)](#) substituted (24.11.2002 with effect in accordance with reg. 2(1) of the amending S.I.) by [The Maternity and Parental Leave \(Amendment\) Regulations 2002 \(S.I. 2002/2789\)](#), regs. 1(1), **5(a)**
- F4** [Reg. 4\(1A\)](#) inserted (24.11.2002 with effect in accordance with reg. 2(1) of the amending S.I.) by [The Maternity and Parental Leave \(Amendment\) Regulations 2002 \(S.I. 2002/2789\)](#), regs. 1(1), **5(b)**
- F5** Words in [reg. 4\(2\)](#) substituted (24.11.2002 with effect in accordance with reg. 2(1) of the amending S.I.) by [The Maternity and Parental Leave \(Amendment\) Regulations 2002 \(S.I. 2002/2789\)](#), regs. 1(1), **5(c)**
- F6** Words in [reg. 4\(3\)](#) inserted (24.11.2002 with effect in accordance with reg. 2(1) of the amending S.I.) by [The Maternity and Parental Leave \(Amendment\) Regulations 2002 \(S.I. 2002/2789\)](#), regs. 1(1), **5(d)(i)**
- F7** Words in [reg. 4\(3\)](#) substituted (24.11.2002 with effect in accordance with reg. 2(1) of the amending S.I.) by [The Maternity and Parental Leave \(Amendment\) Regulations 2002 \(S.I. 2002/2789\)](#), regs. 1(1), **5(d)(ii)**
- F8** Words in [reg. 4\(3\)\(b\)](#) inserted (1.10.2006 with effect in accordance with reg. 2 of the amending S.I.) by [The Maternity and Parental Leave etc. and the Paternity and Adoption Leave \(Amendment\) Regulations 2006 \(S.I. 2006/2014\)](#), regs. 1, **5(b)**
- F9** Words in [reg. 4\(3\)\(b\)](#) inserted (24.11.2002 with effect in accordance with reg. 2(1) of the amending S.I.) by [The Maternity and Parental Leave \(Amendment\) Regulations 2002 \(S.I. 2002/2789\)](#), regs. 1(1), **5(d)(iii)**
- F10** Words in [reg. 4\(4\)](#) substituted (24.11.2002 with effect in accordance with reg. 2(1) of the amending S.I.) by [The Maternity and Parental Leave \(Amendment\) Regulations 2002 \(S.I. 2002/2789\)](#), regs. 1(1), **5(e)(i)**
- F11** Words in [reg. 4\(4\)\(b\)](#) inserted (1.10.2006 with effect in accordance with reg. 2 of the amending S.I.) by [The Maternity and Parental Leave etc. and the Paternity and Adoption Leave \(Amendment\) Regulations 2006 \(S.I. 2006/2014\)](#), regs. 1, **5(b)**

Changes to legislation: *There are currently no known outstanding effects for the The Maternity and Parental Leave etc. Regulations 1999, Section 4. (See end of Document for details)*

F12 Words in [reg. 4\(4\)\(b\)](#) inserted (24.11.2002 with effect in accordance with [reg. 2\(1\)](#) of the amending S.I.) by [The Maternity and Parental Leave \(Amendment\) Regulations 2002 \(S.I. 2002/2789\)](#), [regs. 1\(1\)](#), [5\(e\)\(ii\)](#)

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