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STATUTORY INSTRUMENTS

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**2024 No. 264**

**The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024**

**Amendment of the 1999 Regulations**

**4.** Regulation 10 of the 1999 Regulations (redundancy during maternity leave) is amended as follows—

- (a) in the heading, for “during” substitute “: pregnancy and”;
- (b) for paragraph (1) substitute—

“(1) This regulation applies where it is not practicable by reason of redundancy for an employer to continue to employ an employee under her existing contract of employment during—

- (a) the protected period of pregnancy;
- (b) the statutory maternity leave period; or
- (c) the additional protected period.

(1A) For the purposes of paragraph (1)(a) the protected period of pregnancy—

- (a) begins, subject to paragraph (c), when the employer is informed of the pregnancy which may be after the end of the pregnancy,
- (b) ends—
  - (i) if the employee has the right to statutory maternity leave, on the day on which the statutory maternity leave period commences, or
  - (ii) if the employee does not have the right to statutory maternity leave, at the end of the period of two weeks beginning with the end of the pregnancy, but,
- (c) does not begin if the employer is informed of the pregnancy on or after the day on which, had the employer been informed of the pregnancy earlier, the protected period of pregnancy would have ended in accordance with either paragraph (b) (i) or (ii).

(1B) For the purposes of paragraph (1)(c) the additional protected period—

- (a) begins with the day after the last day of the employee’s statutory maternity leave period;
- (b) continues during any period of continuous employment that includes the statutory maternity leave period referred to in sub-paragraph (a); and
- (c) ends immediately before the relevant day.

(1C) For the purposes of paragraph (1B)(c) the relevant day—

- (a) where paragraph (1D) does not apply, is the day after a period of 18 months beginning with the first day of the expected week of childbirth;
- (b) where paragraph (1D) applies, is the day after a period of 18 months beginning with the day that childbirth occurred.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(1D) This paragraph applies where, before the end of the statutory maternity leave period or, if that is not reasonably practicable, as soon as is reasonably practicable thereafter, the employer has been notified by the employee of the day that childbirth occurred.

(1E) Notification under paragraph (1D) must be given in writing if the employer so requests.”.