



Employment Rights Act 1996

1996 CHAPTER 18

PART VII

SUSPENSION FROM WORK

Suspension on medical grounds

64 Right to remuneration on suspension on medical grounds.

- (1) An employee who is suspended from work by his employer on medical grounds is entitled to be paid by his employer remuneration while he is so suspended for a period not exceeding twenty-six weeks.
- (2) For the purposes of this Part an employee is suspended from work on medical grounds if he is suspended from work in consequence of—
 - (a) a requirement imposed by or under a provision of an enactment or of an instrument made under an enactment, or
 - (b) a recommendation in a provision of a code of practice issued or approved under section 16 of the ^{M1}Health and Safety at Work etc. Act 1974,and the provision is for the time being specified in subsection (3).
- (3) The provisions referred to in subsection (2) are—

Regulation 16 of the ^{M2}Control of Lead at Work Regulations 1980,
[^{F1}Regulation 25 of the Ionising Radiations Regulation 2017 [[SI 2017/1075](#)]] ,
and
Regulation 11 of the ^{M3}Control of Substances Hazardous to Health Regulations 1988.
- (4) The Secretary of State may by order add provisions to or remove provisions from the list of provisions specified in subsection (3).
- (5) For the purposes of this Part an employee shall be regarded as suspended from work on medical grounds only if and for so long as he—
 - (a) continues to be employed by his employer, but

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- (b) is not provided with work or does not perform the work he normally performed before the suspension.

Textual Amendments

- F1** Words in s. 64(3) substituted (1.1.2018) by [The Ionising Radiations Regulations 2017 \(S.I. 2017/1075\)](#), [reg. 1\(2\)](#), [Sch. 9 para. 2](#) (with [regs. 2\(5\)](#), [3](#), [Sch. 8](#))

Marginal Citations

- M1** [1974 c. 37](#).
M2 [S.I. 1980/1248](#).
M3 [S.I. 1988/1657](#).

65 Exclusions from right to remuneration.

- (1) An employee is not entitled to remuneration under section 64 unless he has been continuously employed for a period of not less than one month ending with the day before that on which the suspension begins.
- (2) ^{F2}
- (3) An employee is not entitled to remuneration under section 64 in respect of any period during which he is incapable of work by reason of disease or bodily or mental disablement.
- (4) An employee is not entitled to remuneration under section 64 in respect of any period if—
- his employer has offered to provide him with suitable alternative work during the period (whether or not it is work which the employee is under his contract, or was under the contract in force before the suspension, employed to perform) and the employee has unreasonably refused to perform that work, or
 - he does not comply with reasonable requirements imposed by his employer with a view to ensuring that his services are available.

Textual Amendments

- F2** S. 65(2) omitted (1.10.2002) by virtue of [The Fixed-term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002 \(S.I. 2002/2034\)](#), [reg. 11](#), [Sch. 2 Pt. 1 para. 3\(3\)](#) (with [regs. 13-20](#) and subject to transitional provisions in [Sch. 2 Pt. 2](#))

Suspension on maternity grounds

66 Meaning of suspension on maternity grounds.

- (1) For the purposes of this Part an employee is suspended from work on maternity grounds if, in consequence of any relevant requirement or relevant recommendation, she is suspended from work by her employer on the ground that she is pregnant, has recently given birth or is breastfeeding a child.
- (2) In subsection (1)—

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“relevant requirement” means a requirement imposed by or under a specified provision of an enactment or of an instrument made under an enactment, and

“relevant recommendation” means a recommendation in a specified provision of a code of practice issued or approved under section 16 of the ^{M4}Health and Safety at Work etc. Act 1974;

and in this subsection “specified provision” means a provision for the time being specified in an order made by the Secretary of State under this subsection.

- (3) For the purposes of this Part an employee shall be regarded as suspended from work on maternity grounds only if and for so long as she—
- (a) continues to be employed by her employer, but
 - (b) is not provided with work or (disregarding alternative work for the purposes of section 67) does not perform the work she normally performed before the suspension.

Modifications etc. (not altering text)

- C1** Ss. 66-68, 70-71, 92-93, Pt. X (ss. 94-134) modified (E.W.) (2.3.1998) by [S.I. 1998/218, art. 3, Sch.](#) (which S.I. was revoked (1.9.1999) by [S.I. 1999/2256, art. 1\(2\)](#))
- C2** Ss. 66-68 modified (E.W.) (1.9.1999) by [S.I. 1999/2256, art. 3, Sch.](#)
- C3** Ss. 66-68 modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003 \(S.I. 2003/1964\), art. 3, Sch.](#)
- C4** Ss. 66-68 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006 \(S.I. 2006/1073\), arts. 1\(1\), 3, {Sch. }](#)

Marginal Citations

- M4** [1974 c. 37.](#)

67 Right to offer of alternative work.

- (1) Where an employer has available suitable alternative work for an employee, the employee has a right to be offered to be provided with the alternative work before being suspended from work on maternity grounds.
- (2) For alternative work to be suitable for an employee for the purposes of this section—
- (a) the work must be of a kind which is both suitable in relation to her and appropriate for her to do in the circumstances, and
 - (b) the terms and conditions applicable to her for performing the work, if they differ from the corresponding terms and conditions applicable to her for performing the work she normally performs under her contract of employment, must not be substantially less favourable to her than those corresponding terms and conditions.

Modifications etc. (not altering text)

- C5** Ss. 66-68, 70-71, 92-93, Pt. X (ss. 94-134) modified (E.W.) (2.3.1998) by [S.I. 1998/218, art. 3, Sch.](#) (which S.I. was revoked (1.9.1999) by [S.I. 1999/2256, art. 1\(2\)](#))
- C6** Ss. 66-68 modified (E.W.) (1.9.1999) by [S.I. 1999/2256, art. 3, Sch.](#)
- C7** Ss. 66-68 modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003 \(S.I. 2003/1964\), art. 3, Sch.](#)

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- C8** Ss. 66-68 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006 \(S.I. 2006/1073\)](#), **arts. 1(1), 3**, {Sch. }

68 Right to remuneration.

- (1) An employee who is suspended from work on maternity grounds is entitled to be paid remuneration by her employer while she is so suspended.
- (2) An employee is not entitled to remuneration under this section in respect of any period if—
 - (a) her employer has offered to provide her during the period with work which is suitable alternative work for her for the purposes of section 67, and
 - (b) the employee has unreasonably refused to perform that work.

Modifications etc. (not altering text)

- C9** Ss. 66-68, 70-71, 92-93, Pt. X (ss. 94-134) modified (E.W.) (2.3.1998) by [S.I. 1998/218](#), **art. 3**, **Sch.** (which S.I. was revoked (1.9.1999) by [S.I. 1999/2256](#), **art. 1(2)**)
- C10** Ss. 66-68 modified (E.W.) (1.9.1999) by [S.I. 1999/2256](#), **art. 3**, **Sch.**
- C11** Ss. 66-68 modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003 \(S.I. 2003/1964\)](#), **art. 3**, **Sch.**
- C12** Ss. 66-68 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006 \(S.I. 2006/1073\)](#), **arts. 1(1), 3**, {Sch. }

[F³Ending the supply of an agency worker on maternity grounds

Textual Amendments

- F3** Ss. 68A-68D and heading inserted (1.10.2011) by [The Agency Workers Regulations 2010 \(S.I. 2010/93\)](#), **reg. 25**, **Sch. 2 para. 12**

68A Meaning of ending the supply of an agency worker on maternity grounds

(1) For the purposes of this Part the supply of an agency worker to a hirer is ended on maternity grounds if, in consequence of action taken pursuant to a provision listed in subsection (2), the supply of the agency worker to the hirer is ended on the ground that she is pregnant, has recently given birth or is breastfeeding a child. (2) The provisions are—

- (a) regulations 8(3) or 9(2) of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997;
- (b) regulation 16A(2) or 17A of the Management of Health and Safety at Work Regulations 1999; or
- (c) regulation 20 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003.

68B Right to offer of alternative work

(1) Where the supply of an agency worker to a hirer is ended on maternity grounds and the temporary work agency has available suitable alternative work, the agency

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worker has a right to be offered to be proposed for such alternative work. (2) For alternative work to be suitable for an agency worker for the purposes of this section—

- (a) the work must be of a kind which is both suitable in relation to her and appropriate for her to do in the circumstances, and
 - (b) the terms and conditions applicable to her whilst performing the work, if they differ from the corresponding terms and conditions which would have applied to her but for the fact that the supply of the agency worker to the hirer was ended on maternity grounds, must not be substantially less favourable to her than those corresponding terms and conditions.
- (3) Subsection (1) does not apply—
- (a) where the agency worker has confirmed in writing that she no longer requires the work-finding services of the temporary work agency, or
 - (b) beyond the original intended duration, or likely duration, whichever is the longer, of the assignment which ended when the supply of the agency worker to the hirer was ended on maternity grounds.

68C Right to remuneration

(1) Where the supply of an agency worker to a hirer is ended on maternity grounds, that agency worker is entitled to be paid remuneration by the temporary work agency.

(2) An agency worker is not entitled to remuneration under this section in respect of any period if—

- (a) the temporary work agency has—
 - (i) offered to propose the agency worker to a hirer that has alternative work available which is suitable alternative work for her for the purposes of section 68B, or
 - (ii) proposed the agency worker to a hirer that has such suitable alternative work available, and that hirer has agreed to the supply of that agency worker, and
- (b) the agency worker has unreasonably refused that offer or to perform that work.

(3) Nothing in this section imposes a duty on the temporary work agency to pay remuneration beyond the original intended duration, or likely duration, whichever is the longer, of the assignment which ended when the supply of the agency worker to the hirer was ended on maternity grounds.

68D Agency workers: supplementary

(1) Without prejudice to any other duties of the hirer or temporary work agency under any enactment or rule of law sections 68A, 68B and 68C do not apply where the agency worker—

- (a) has not completed the qualifying period, or
- (b) is no longer entitled to the rights conferred by regulation 5 of the Agency Workers Regulations 2010 pursuant to regulation 8(a) or (b) of those Regulations.

(2) Nothing in those sections imposes a duty on the hirer or temporary work agency beyond the original intended duration, or likely duration of the assignment, whichever is the longer. (3) Those sections do not apply where sections 66 to 68 apply. (4)

In this section and sections 68A to 68C the following have the same meaning as in the Agency Workers Regulations 2010—

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“agency worker”
 “assignment”;
 “hirer”;
 “qualifying period”;
 “temporary work agency”.]

General

69 Calculation of remuneration.

- (1) The amount of remuneration payable by an employer to an employee under section 64 or 68 is a week's pay in respect of each week of the period of suspension; and if in any week remuneration is payable in respect of only part of that week the amount of a week's pay shall be reduced proportionately.
- (2) A right to remuneration under section 64 or 68 does not affect any right of an employee in relation to remuneration under the employee's contract of employment (“contractual remuneration”).
- (3) Any contractual remuneration paid by an employer to an employee in respect of any period goes towards discharging the employer's liability under section 64 or 68 in respect of that period; and, conversely, any payment of remuneration in discharge of an employer's liability under section 64 or 68 in respect of any period goes towards discharging any obligation of the employer to pay contractual remuneration in respect of that period.

[^{F4}69A Calculation of remuneration (agency workers)]

- () The amount of remuneration payable by a temporary work agency to an agency worker under section 68C is a week's pay in respect of each week for which remuneration is payable in accordance with section 68C; and if in any week remuneration is payable in respect of only part of that week the amount of a week's pay shall be reduced proportionately.
- () A right to remuneration under section 68C does not affect any right of the agency worker in relation to remuneration under the contract with the temporary work agency (“contractual remuneration”).
- () Any contractual remuneration paid by the temporary work agency to an agency worker in respect of any period goes towards discharging the temporary work agency's liability under section 68C in respect of that period; and, conversely, any payment of remuneration in discharge of a temporary work agency's liability under section 68C in respect of any period goes towards discharging any obligation of the temporary work agency to pay contractual remuneration in respect of that period.
- () For the purposes of subsection (1), a week's pay is the weekly amount that would have been payable to the agency worker for performing the work, according to the terms of the contract with the temporary work agency, but for the fact that the supply of the agency worker to the hirer was ended on maternity grounds.
- () Expressions used in this section and sections 68A to 68C have the same meaning as in those sections (see section 68D).]

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Textual Amendments

- F4** S. 69A inserted (1.10.2011) by [The Agency Workers Regulations 2010 \(S.I. 2010/93\)](#), [Reg. 25](#), [Sch. 2 para. 13](#)

70 Complaints to [^{F5}employment tribunals].

- (1) An employee may present a complaint to an [^{F5}employment tribunal] that his or her employer has failed to pay the whole or any part of remuneration to which the employee is entitled under section 64 or 68.
- (2) An [^{F5}employment tribunal] shall not consider a complaint under subsection (1) relating to remuneration in respect of any day unless it is presented—
 - (a) before the end of the period of three months beginning with that day, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented within that period of three months.
- (3) Where an [^{F5}employment tribunal] finds a complaint under subsection (1) well-founded, the tribunal shall order the employer to pay the employee the amount of remuneration which it finds is due to him or her.
- (4) An employee may present a complaint to an [^{F5}employment tribunal] that in contravention of section 67 her employer has failed to offer to provide her with work.
- (5) An [^{F5}employment tribunal] shall not consider a complaint under subsection (4) unless it is presented—
 - (a) before the end of the period of three months beginning with the first day of the suspension, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented within that period of three months.
- (6) Where an [^{F5}employment tribunal] finds a complaint under subsection (4) well-founded, the tribunal may make an award of compensation to be paid by the employer to the employee.
- (7) The amount of the compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
 - (a) the infringement of the employee's right under section 67 by the failure on the part of the employer to which the complaint relates, and
 - (b) any loss sustained by the employee which is attributable to that failure.

[^{F6}(8) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsections (2)(a) and (5)(a).]

Textual Amendments

- F5** Words in s. 70(1)–(6) and sidenote to s. 70 substituted (1.8.1998) by [1998 c. 8, s. 1\(2\)\(a\)\(b\)](#) (with [s. 16\(2\)](#)); [S.I. 1998/1658, art. 2\(1\)](#), [Sch. 1](#)
- F6** S. 70(8) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 12\(19\)](#) (with [reg. 5](#)) (as amended by [S.I. 2020/1493, regs. 1\(1\), 4\(5\)\(6\)](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#)

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Modifications etc. (not altering text)

- C13** Ss. 66-68, 70-71, 92-93, Pt. X (ss. 94-134) modified (E.W.) (2.3.1998) by [S.I. 1998/218](#), [art. 3](#), [Sch.](#) (which S.I. was revoked (1.9.1999) by [S.I. 1999/2256](#), [art. 1\(2\)](#))
- C14** S. 70 modified (E.W.) (1.9.1999) by [S.I. 1999/2256](#), [art. 3](#), [Sch.](#)
- C15** S. 70 modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003](#) (S.I. 2003/1964), [art. 3](#), [Sch.](#)
- C16** Ss. 70, 71 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006](#) (S.I. 2006/1073), [arts. 1\(1\), 3](#), {Sch. }

[^{F7}70A] Complaints to employment tribunals: agency workers

- () An agency worker may present a complaint to an employment tribunal that the temporary work agency has failed to pay the whole or any part of remuneration to which the agency worker is entitled under section 68C.
- () An employment tribunal shall not consider a complaint under subsection (1) relating to remuneration in respect of any day unless it is presented—
 - (a) before the end of the period of three months beginning with the day on which the supply of the agency worker to a hirer was ended on maternity grounds, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented within that period of three months.
- () Where an employment tribunal finds a complaint under subsection (1) well-founded, the tribunal shall order the temporary work agency to pay the agency worker the amount of remuneration which it finds is due to her.
- () An agency worker may present a complaint to an employment tribunal that in contravention of section 68B the temporary work agency has failed to offer to propose the agency worker to a hirer that has suitable alternative work available.
- () An employment tribunal shall not consider a complaint under subsection (4) unless it is presented—
 - (a) before the end of the period of three months beginning with the day on which the supply of the agency worker to a hirer was ended on maternity grounds, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented within that period of three months.
- () Where an employment tribunal finds a complaint under subsection (4) well-founded, the tribunal shall order the temporary work agency to pay the agency worker the amount of compensation which it finds is due to her.
- () The amount of the compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
 - (a) the infringement of the agency worker's right under section 68B by the failure on the part of the temporary work agency to which the complaint relates, and
 - (b) any loss sustained by the agency worker which is attributable to that failure.

[^{F8}(7A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsections (2)(a) and (5)(a).]

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() Expressions used in this section and sections 68A to 68C have the same meaning as in those sections (see section 68D).]

Textual Amendments

F7 S. 70A inserted (1.10.2011) by [The Agency Workers Regulations 2010 \(S.I. 2010/93\)](#), reg. 25, **Sch. 2 para. 14**

F8 [S. 70A\(7A\)](#) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), **Sch. 1 para. 12(20)** (with reg. 5) (as amended by [S.I. 2020/1493](#), regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

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Changes and effects yet to be applied to :

- Pt. 8A Ch. 1 heading inserted by 2023 c. 46 s. 1(3)
- Pt. 8A Ch. 2 inserted by 2023 c. 46 s. 1(4)
- Pt. 8A Ch. 3 inserted by 2023 c. 46 s. 2
- Pt. 8A Ch. 4 inserted by 2023 c. 46 s. 3(2)
- s. 47H inserted by 2020 c. 7 Sch. 7 para. 9
- s. 47AA inserted by 2008 c. 25 s. 37
- s. 47EA inserted by 2023 c. 46 Sch. para. 4
- s. 47EB inserted by 2023 c. 46 Sch. para. 5
- s. 48(1C) inserted by 2020 c. 7 Sch. 7 para. 10(a)
- s. 48(1C) inserted by 2023 c. 46 Sch. para. 6(2)
- s. 48(1D) inserted by 2023 c. 46 Sch. para. 6(3)
- s. 49(8) inserted by 2020 c. 7 Sch. 7 para. 11(b)
- s. 49(8) inserted by 2023 c. 46 Sch. para. 7(4)
- s. 49C inserted by 2017 c. 16 s. 32(4)
- s. 80A(6A) inserted by 2024 c. 17 s. 1(2)
- s. 80B(6C) inserted by 2024 c. 17 s. 1(3)
- s. 80D(1A) inserted by 2024 c. 17 s. 1(4)(a)
- s. 80D(3) inserted by 2024 c. 17 s. 1(4)(c)
- s. 101B inserted by 2008 c. 25 s. 38
- s. 104H inserted by 2020 c. 7 Sch. 7 para. 14
- s. 104CA inserted by 2023 c. 46 Sch. para. 9
- s. 105(4B) inserted by 2008 c. 25 s. 39(3)
- s. 105(7BC) inserted by 2020 c. 7 Sch. 7 para. 15
- s. 105(7BAA) inserted by 2023 c. 46 Sch. para. 10
- s. 108(3)(gia) inserted by 2023 c. 46 Sch. para. 11
- s. 108(3)(de) inserted by 2008 c. 25 s. 39(4)
- s. 108(3)(gn) inserted by 2020 c. 7 Sch. 7 para. 16
- s. 110(3A) inserted by 2002 c. 22 s. 44
- s. 205A(2)(ba) inserted by 2023 c. 46 Sch. para. 16(2)
- s. 205A(8A) inserted by 2023 c. 46 Sch. para. 16(3)
- s. 225(7)(8) inserted by 2023 c. 46 Sch. para. 17
- s. 227(1)(zb)(zc) inserted by 2023 c. 46 Sch. para. 18

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 8A Ch. 1 heading inserted by 2023 c. 46 s. 1(3)
- Pt. 8A Ch. 2 inserted by 2023 c. 46 s. 1(4)
- Pt. 8A Ch. 3 inserted by 2023 c. 46 s. 2
- Pt. 8A Ch. 4 inserted by 2023 c. 46 s. 3(2)
- s. 47H inserted by 2020 c. 7 Sch. 7 para. 9
- s. 47AA inserted by 2008 c. 25 s. 37
- s. 47EA inserted by 2023 c. 46 Sch. para. 4
- s. 47EB inserted by 2023 c. 46 Sch. para. 5
- s. 48(1C) inserted by 2020 c. 7 Sch. 7 para. 10(a)
- s. 48(1C) inserted by 2023 c. 46 Sch. para. 6(2)
- s. 48(1D) inserted by 2023 c. 46 Sch. para. 6(3)
- s. 49(8) inserted by 2020 c. 7 Sch. 7 para. 11(b)

- s. 49(8) inserted by 2023 c. 46 Sch. para. 7(4)
- s. 49C inserted by 2017 c. 16 s. 32(4)
- s. 80A(6A) inserted by 2024 c. 17 s. 1(2)
- s. 80B(6C) inserted by 2024 c. 17 s. 1(3)
- s. 80D(1A) inserted by 2024 c. 17 s. 1(4)(a)
- s. 80D(3) inserted by 2024 c. 17 s. 1(4)(c)
- s. 101B inserted by 2008 c. 25 s. 38
- s. 104H inserted by 2020 c. 7 Sch. 7 para. 14
- s. 104CA inserted by 2023 c. 46 Sch. para. 9
- s. 105(4B) inserted by 2008 c. 25 s. 39(3)
- s. 105(7BC) inserted by 2020 c. 7 Sch. 7 para. 15
- s. 105(7BAA) inserted by 2023 c. 46 Sch. para. 10
- s. 108(3)(gia) inserted by 2023 c. 46 Sch. para. 11
- s. 108(3)(de) inserted by 2008 c. 25 s. 39(4)
- s. 108(3)(gn) inserted by 2020 c. 7 Sch. 7 para. 16
- s. 110(3A) inserted by 2002 c. 22 s. 44
- s. 205A(2)(ba) inserted by 2023 c. 46 Sch. para. 16(2)
- s. 205A(8A) inserted by 2023 c. 46 Sch. para. 16(3)
- s. 225(7)(8) inserted by 2023 c. 46 Sch. para. 17
- s. 227(1)(zb)(zc) inserted by 2023 c. 46 Sch. para. 18



Employment Rights Act 1996

1996 CHAPTER 18

[^{F1}PART VIII

Textual Amendments

- F1** Pt. 8 (ss. 71-80) substituted for Pt. 8 (ss. 71-85) (15.12.1999) by 1999 c. 26, s. 7, **Sch. 4 Pt. 1**; S.I. 1999/2830, art. 2(1)(2), **Sch. 1 Pt. 2** (with transitional provisions in **Sch. 3 para. 10**)

CHAPTER I

MATERNITY LEAVE

71

- (1) An employee may, provided that she satisfies any conditions which may be prescribed, be absent from work at any time during an ordinary maternity leave period.
- (2) An ordinary maternity leave period is a period calculated in accordance with regulations made by the Secretary of State.

[^{F2}(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;
- [^{F3}(ba) may allow an employee to bring forward the date on which an ordinary maternity leave period ends, subject to prescribed restrictions and subject to satisfying prescribed conditions;
- (bb) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date;]
- (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.]

Changes to legislation: Employment Rights Act 1996, Part VIII is up to date with all changes known to be in force on or before 06 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[Provision under subsection (3)(ba) is to secure that an employee may bring forward the ^{F4}(3A) date on which an ordinary maternity leave period ends only if the employee or another person has taken, or is taking, prescribed steps as regards leave under section 75E or statutory shared parental pay in respect of the child.]

(4) Subject to section 74, an employee who exercises her right under subsection (1)—

- (a) is entitled [^{F5}, for such purposes and to such extent as may be prescribed,] to the benefit of the terms and conditions of employment which would have applied if she had not been absent,
- (b) is bound [^{F6}, for such purposes and to such extent as may be prescribed] by any obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1)), and

[^{F7}(c) is entitled to return from leave to a job of a prescribed kind.]

(5) In subsection (4)(a) “terms and conditions of employment”—

- (a) includes matters connected with an employee’s employment whether or not they arise under her contract of employment, but
- (b) does not include terms and conditions about remuneration.

(6) The Secretary of State may make regulations specifying matters which are, or are not, to be treated as remuneration for the purposes of this section.

[^{F8}(7) The Secretary of State may make regulations making provision, in relation to the right to return under subsection (4)(c) above, about—

- (a) seniority, pension rights and similar rights;
- (b) terms and conditions of employment on return.]

Textual Amendments

- F2** S. 71(3) substituted (27.6.2006 for certain purposes, otherwise 1.10.2006) by [Work and Families Act 2006 \(c. 18\)](#), ss. 11, 19, [Sch. 1 para. 31](#); S.I. 2006/1682, [art. 2\(c\)](#), [3\(c\)\(d\)](#)
- F3** S. 71(3)(ba)(bb) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 118\(2\)\(a\)](#), 139(6); S.I. 2014/1640, [art. 3\(1\)\(b\)](#)
- F4** S. 71(3A) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 118\(2\)\(b\)](#), 139(6); S.I. 2014/1640, [art. 3\(1\)\(b\)](#)
- F5** Words in s. 71(4)(a) inserted (24.11.2002) by [Employment Act 2002 \(c. 22\)](#), [s. 17\(2\)\(a\)](#); S.I. 2002/2866, [arts. 2\(1\)](#), 3, [Sch. 1 Pt. 1](#) (with [Sch. 3 para. 3](#))
- F6** Words in s. 71(4)(b) inserted (24.11.2002) by [Employment Act 2002 \(c. 22\)](#), [s. 17\(2\)\(b\)](#); S.I. 2002/2866, [arts. 2\(1\)](#), 3, [Sch. 1 Pt. 1](#) (with [Sch. 3 para. 3](#))
- F7** S. 71(4)(c) substituted (24.11.2002) by [Employment Act 2002 \(c. 22\)](#), [s. 17\(2\)\(c\)](#); S.I. 2002/2866, [arts. 2\(1\)](#), 3, [Sch. 1 Pt. 1](#) (with [Sch. 3 para. 3](#))
- F8** S. 71(7) substituted (24.11.2002) by [Employment Act 2002 \(c. 22\)](#), [s. 17\(3\)](#); S.I. 2002/2866, [arts. 2\(1\)](#), 3, [Sch. 1 Pt. 1](#) (with [Sch. 3 para. 3](#))

Modifications etc. (not altering text)

- C1** S. 71 restricted (15.12.1999) by S.I. 1999/3312, [reg. 9](#)
- C2** S. 71 modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003 \(S.I. 2003/1964\)](#), [art. 3](#), [Sch.](#)
- C3** Ss. 70, 71 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006 \(S.I. 2006/1073\)](#), [arts. 1\(1\)](#), 3, {[Sch.](#) }

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72 Compulsory maternity leave.

- (1) An employer shall not permit an employee who satisfies prescribed conditions to work during a compulsory maternity leave period.
- (2) A compulsory maternity leave period is a period calculated in accordance with regulations made by the Secretary of State.
- (3) Regulations under subsection (2) shall secure—
 - (a) that no compulsory leave period is less than two weeks, and
 - (b) that every compulsory maternity leave period falls within an ordinary maternity leave period.
- (4) Subject to subsection (5), any provision of or made under the ^{M1} Health and Safety at Work etc. Act 1974 shall apply in relation to the prohibition under subsection (1) as if it were imposed by regulations under section 15 of that Act.
- (5) Section 33(1)(c) of the 1974 Act shall not apply in relation to the prohibition under subsection (1); and an employer who contravenes that subsection shall be—
 - (a) guilty of an offence, and
 - (b) liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Marginal Citations

M1 1974 c. 37.

73 Additional maternity leave.

- (1) An employee who satisfies prescribed conditions may be absent from work at any time during an additional maternity leave period.
- (2) An additional maternity leave period is a period calculated in accordance with regulations made by the Secretary of State.
- [^{F9}(3) Regulations under subsection (2)—
 - (a) may allow an employee [^{F10}to bring forward the date on which an additional maternity leave period ends, subject to prescribed restrictions and subject to satisfying prescribed conditions;]
 - [^{F11}(aa) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date;]
 - (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.]
- [^{F12}(3A) Provision under subsection (3)(a) is to secure that an employee may bring forward the date on which an additional maternity leave period ends only if the employee or another person has taken, or is taking, prescribed steps as regards leave under section 75E or statutory shared parental pay in respect of the child.]
- (4) Subject to section 74, an employee who exercises her right under subsection (1)—

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- (a) is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if she had not been absent,
 - (b) is bound, for such purposes and to such extent as may be prescribed, by obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1)), and
 - (c) is entitled to return from leave to a job of a prescribed kind.
- (5) In subsection (4)(a) “terms and conditions of employment”—
- (a) includes matters connected with an employee’s employment whether or not they arise under her contract of employment, but
 - (b) does not include terms and conditions about remuneration.
- [In subsection (4)(c), the reference to return from leave includes, where appropriate, a
- ^{F13}(5A) reference to a continuous period of absence attributable partly to additional maternity leave and partly to ordinary maternity leave.]
- (6) The Secretary of State may make regulations specifying matters which are, or are not, to be treated as remuneration for the purposes of this section.
- (7) The Secretary of State may make regulations making provision, in relation to the right to return under subsection (4)(c), about—
- (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.

Textual Amendments

- F9** S. 73(3) substituted (27.6.2006 for certain purposes, otherwise 1.10.2006) by [Work and Families Act 2006 \(c. 18\)](#), ss. 11, 19, [Sch. 1 para. 32](#); S.I. 2006/1682, [art. 2\(c\)](#), [3\(c\)\(d\)](#)
- F10** Words in s. 73(3)(a) substituted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. [118\(3\)\(a\)](#), [139\(6\)](#); S.I. 2014/1640, [art. 3\(1\)\(b\)](#)
- F11** S. 73(3)(aa) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. [118\(3\)\(b\)](#), [139\(6\)](#); S.I. 2014/1640, [art. 3\(1\)\(b\)](#)
- F12** S. 73(3A) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. [118\(3\)\(c\)](#), [139\(6\)](#); S.I. 2014/1640, [art. 3\(1\)\(b\)](#)
- F13** S. 73(5A) inserted (24.11.2002) by [Employment Act 2002 \(c. 22\)](#), s. [17\(4\)](#); S.I. 2002/2866, [arts. 2\(1\)](#), [3](#), [Sch. 1 Pt. 1](#) (with [Sch. 3 para. 3](#))

74 Redundancy and dismissal.

- (1) Regulations under section 71 or 73 may make provision about redundancy during [^{F14}, or after,] an ordinary or additional maternity leave period.
- (2) Regulations under section 71 or 73 may make provision about dismissal (other than by reason of redundancy) during an ordinary or additional maternity leave period.
- (3) Regulations made by virtue of subsection (1) or (2) may include—
 - (a) provision requiring an employer to offer alternative employment;
 - (b) provision for the consequences of failure to comply with the regulations (which may include provision for a dismissal to be treated as unfair for the purposes of Part X).
- (4) Regulations under section [^{F15}71 or] 73 may make provision—

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- (a) for section [^{F16}71(4)(c) or] 73(4)(c) not to apply in specified cases, and
- (b) about dismissal at the conclusion of an [^{F17}ordinary or] additional maternity leave period.

Textual Amendments

- F14** Words in s. 74(1) inserted (24.7.2023) by [Protection from Redundancy \(Pregnancy and Family Leave\) Act 2023 \(c. 17\), ss. 2\(2\), 3\(2\)](#)
- F15** Words in s. 74(4) inserted (24.11.2002) by [Employment Act 2002 \(c. 22\), s. 17\(5\)\(a\)](#); S.I. 2002/2866, [arts. 2\(1\), 3, Sch. 1 Pt. 1](#) (with [Sch. 3 para. 3](#))
- F16** Words in s. 74(4)(a) inserted (24.11.2002) by [Employment Act 2002 \(c. 22\), s. 17\(5\)\(b\)](#); S.I. 2002/2866, [arts. 2\(1\), 3, Sch. 1 Pt. 1](#) (with [Sch. 3 para. 3](#))
- F17** Words in s. 74(4)(b) inserted (24.11.2002) by [Employment Act 2002 \(c. 22\), s. 17\(5\)\(c\)](#); S.I. 2002/2866, [arts. 2\(1\), 3, Sch. 1 Pt. 1](#) (with [Sch. 3 para. 3](#))

75 Sections 71 to 73: supplemental.

- (1) Regulations under section 71, 72 or 73 may—
 - (a) make provision about notices to be given, evidence to be produced and other procedures to be followed by employees and employers;
 - (b) make provision for the consequences of failure to give notices, to produce evidence or to comply with other procedural requirements;
 - (c) make provision for the consequences of failure to act in accordance with a notice given by virtue of paragraph (a);
 - (d) make special provision for cases where an employee has a right which corresponds to a right under this Chapter and which arises under her contract of employment or otherwise;
 - (e) make provision modifying the effect of Chapter II of Part XIV (calculation of a week's pay) in relation to an employee who is or has been absent from work on ordinary or additional maternity leave;
 - (f) make provision applying, modifying or excluding an enactment, in such circumstances as may be specified and subject to any conditions specified, in relation to a person entitled to ordinary, compulsory or additional maternity leave;
 - (g) make different provision for different cases or circumstances.
- (2) In sections 71 to 73 “prescribed” means prescribed by regulations made by the Secretary of State.

[^{F18}CHAPTER 1A

ADOPTION LEAVE

Textual Amendments

- F18** Pt. 8 Ch. 1A inserted (8.12.2002) by [Employment Act 2002 \(c. 22\), s. 3](#); S.I. 2002/2866, [art. 2\(2\), Sch. 1 Pt. 2](#)

Changes to legislation: Employment Rights Act 1996, Part VIII is up to date with all changes known to be in force on or before 06 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

75A Ordinary adoption leave

- (1) An employee who satisfies prescribed conditions may be absent from work at any time during an ordinary adoption leave period.

[The conditions that may be prescribed under subsection (1) include conditions as to—

- ^{F19}(1A) (a) being a local authority foster parent;
 (b) being approved as a prospective adopter;
 (c) [^{F20}being notified—
 (i) by a local authority in England that a child is to be, or is expected to be, placed with the employee under section 22C of the Children Act 1989;
 (ii) by a local authority in Wales that a child is to be, or is expected to be, placed with the employee under section 81 of the Social Services and Well-being (Wales) Act 2014.]

- (2) An ordinary adoption leave period is a period calculated in accordance with regulations made by the Secretary of State.

[Regulations under subsection (2)[^{F22}—]

- ^{F21}(2A) [^{F22}(a) may allow an employee to bring forward the date on which an ordinary adoption leave period ends, subject to prescribed restrictions and subject to satisfying prescribed conditions;
 (b) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date;]
^{F23}(c) [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.]

- ^{F24}(2B) [Provision under subsection (2A)(a) is to secure that an employee may bring forward the date on which an ordinary adoption leave period ends only if the employee or another person has taken, or is taking, prescribed steps as regards leave under section 75G or statutory shared parental pay in respect of the child.]

- (3) Subject to section 75C, an employee who exercises his right under subsection (1)—

- (a) is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if he had not been absent,
 (b) is bound, for such purposes and to such extent as may be prescribed, by any obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1)), and
 (c) is entitled to return from leave to a job of a prescribed kind.

- (4) In subsection (3)(a) “ terms and conditions of employment ”—

- (a) includes matters connected with an employee’s employment whether or not they arise under his contract of employment, but
 (b) does not include terms and conditions about remuneration.

- (5) In subsection (3)(c), the reference to return from leave includes, where appropriate, a reference to a continuous period of absence attributable partly to ordinary adoption leave and partly to maternity leave.

- (6) The Secretary of State may make regulations specifying matters which are, or are not, to be treated as remuneration for the purposes of this section.

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- (7) The Secretary of State may make regulations making provision, in relation to the right to return under subsection (3)(c), about—
- (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.
- [^{F25}(8) The Secretary of State may by regulations provide for this section to have effect, with such modifications as the regulations may prescribe, in relation to—
- (a) cases which involve an employee who has applied, or intends to apply, with another person for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 and a child who is, or will be, the subject of the order,
 - (b) cases which involve an employee who has applied, or intends to apply, for a parental order under section 54A of that Act and a child who is, or will be, the subject of the order.]

Textual Amendments

- F19** S. 75A(1A) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 121(1)**, 139(6); S.I. 2014/1640, art. 3(1)(e)
- F20** S. 75A(1A)(c) substituted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **145**
- F21** S. 75A(2A) inserted (27.6.2006 for certain purposes, otherwise 1.10.2006) by [Work and Families Act 2006 \(c. 18\)](#), ss. 11, 19, **Sch. 1 para. 33**; S.I. 2006/1682, **art. 2(c)**, 3(c)(d)
- F22** Words in s. 75A(2A) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 118(4)(a)**, 139(6); S.I. 2014/1640, art. 3(1)(b)
- F23** Words in s. 75A(2A)(c) renumbered as s. 75A(2A)(c) (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 118(4)(b)**, 139(6); S.I. 2014/1640, art. 3(1)(b)
- F24** S. 75A(2B) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 118(4)(c)**, 139(6); S.I. 2014/1640, art. 3(1)(b)
- F25** S. 75A(8) substituted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), **Sch. 1 para. 11(10)**

Modifications etc. (not altering text)

- C4** S. 75A applied (25.11.2014) by [The Employment Rights Act 1996 \(Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases\) Regulations 2014 \(S.I. 2014/3095\)](#), regs. 1(1), **2**
- C5** S. 75A amendment to earlier affecting provision S.I. 2014/3095, reg. 2 (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), **Sch. 2 para. 8**

75B Additional adoption leave

- (1) An employee who satisfies prescribed conditions may be absent from work at any time during an additional adoption leave period.
 - (2) An additional adoption leave period is a period calculated in accordance with regulations made by the Secretary of State.
- [^{F26}(3) Regulations under subsection (2)—
- (a) may allow an employee [^{F27}to bring forward the date on which an additional adoption leave period ends, subject to prescribed restrictions and subject to satisfying prescribed conditions;]

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- [^{F28}(aa) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date;]
 - (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.]
- [Provision under subsection (3)(a) is to secure that an employee may bring forward the
- ^{F29}(3A) date on which an additional adoption leave period ends only if the employee or another person has taken, or is taking, prescribed steps as regards leave under section 75G or statutory shared parental pay in respect of the child.]
- (4) Subject to section 75C, an employee who exercises his right under subsection (1)—
 - (a) is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if he had not been absent,
 - (b) is bound, for such purposes and to such extent as may be prescribed, by obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1)), and
 - (c) is entitled to return from leave to a job of a prescribed kind.
 - (5) In subsection (4)(a) “ terms and conditions of employment ”—
 - (a) includes matters connected with an employee’s employment whether or not they arise under his contract of employment, but
 - (b) does not include terms and conditions about remuneration.
 - (6) In subsection (4)(c), the reference to return from leave includes, where appropriate, a reference to a continuous period of absence attributable partly to additional adoption leave and partly to—
 - (a) maternity leave, or
 - (b) ordinary adoption leave,
 or to both.
 - (7) The Secretary of State may make regulations specifying matters which are, or are not, to be treated as remuneration for the purposes of this section.
 - (8) The Secretary of State may make regulations making provision, in relation to the right to return under subsection (4)(c), about—
 - (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.
 - [^{F30}(9) The Secretary of State may by regulations provide for this section to have effect, with such modifications as the regulations may prescribe, in relation to—
 - (a) cases which involve an employee who has applied, or intends to apply, with another person for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 and a child who is, or will be, the subject of the order,
 - (b) cases which involve an employee who has applied, or intends to apply, for a parental order under section 54A of that Act and a child who is, or will be, the subject of the order.]

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Textual Amendments

- F26** S. 75B(3) substituted (27.6.2006 for certain purposes, otherwise 1.10.2006) by [Work and Families Act 2006 \(c. 18\), ss. 11, 19, Sch. 1 para. 34](#); S.I. 2006/1682, [art. 2\(c\)](#), 3(c)(d)
- F27** Words in s. 75B(3)(a) substituted (30.6.2014) by [Children and Families Act 2014 \(c. 6\), ss. 118\(5\)\(a\), 139\(6\)](#); S.I. 2014/1640, [art. 3\(1\)\(b\)](#)
- F28** S. 75B(3)(aa) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\), ss. 118\(5\)\(b\), 139\(6\)](#); S.I. 2014/1640, [art. 3\(1\)\(b\)](#)
- F29** S. 75B(3A) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\), ss. 118\(5\)\(c\), 139\(6\)](#); S.I. 2014/1640, [art. 3\(1\)\(b\)](#)
- F30** S. 75B(9) substituted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\), art. 1\(1\), Sch. 1 para. 11\(11\)](#)

Modifications etc. (not altering text)

- C6** S. 75B applied (25.11.2014) by [The Employment Rights Act 1996 \(Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases\) Regulations 2014 \(S.I. 2014/3095\), regs. 1\(1\), 2](#)
- C7** S. 75B amendment to earlier affecting provision S.I. 2014/3095, reg. 2 (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\), art. 1\(1\), Sch. 2 para. 8](#)

75C Redundancy and dismissal

- (1) Regulations under section 75A or 75B may make provision about—
- ^{F31}(a) redundancy during, or after, an ordinary or additional adoption leave period, or
 - (b) dismissal (other than by reason of redundancy) during an ordinary or additional adoption leave period.]
- (2) Regulations made by virtue of subsection (1) may include—
- (a) provision requiring an employer to offer alternative employment;
 - (b) provision for the consequences of failure to comply with the regulations (which may include provision for a dismissal to be treated as unfair for the purposes of Part 10).
- (3) Regulations under section 75A or 75B may make provision—
- (a) for section 75A(3)(c) or 75B(4)(c) not to apply in specified cases, and
 - (b) about dismissal at the conclusion of an ordinary or additional adoption leave period.

Textual Amendments

- F31** S. 75C(1)(a)(b) substituted for s. 75C(1)(a)(b) and words (24.7.2023) by [Protection from Redundancy \(Pregnancy and Family Leave\) Act 2023 \(c. 17\), ss. 2\(3\), 3\(2\)](#)

75D Chapter 1A: supplemental

- (1) Regulations under section 75A or 75B may—
- (a) make provision about notices to be given, evidence to be produced and other procedures to be followed by employees and employers;
 - (b) make provision requiring employers or employees to keep records;

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- (c) make provision for the consequences of failure to give notices, to produce evidence, to keep records or to comply with other procedural requirements;
- (d) make provision for the consequences of failure to act in accordance with a notice given by virtue of paragraph (a);
- (e) make special provision for cases where an employee has a right which corresponds to a right under this Chapter and which arises under his contract of employment or otherwise;
- (f) make provision modifying the effect of Chapter 2 of Part 14 (calculation of a week's pay) in relation to an employee who is or has been absent from work on ordinary or additional adoption leave;
- (g) make provision applying, modifying or excluding an enactment, in such circumstances as may be specified and subject to any conditions specified, in relation to a person entitled to ordinary or additional adoption leave;
- (h) make different provision for different cases or circumstances.

[Where section 75A or 75B has effect in relation to such cases as are described in ^{F32}(1A) section 75A(8) or 75B(9), regulations under section 75A or 75B about evidence to be produced may require statutory declarations as to—

- (a) eligibility to apply for a parental order [^{F33}under section 54 or 54A of the Human Fertilisation and Embryology Act 2008];
- (b) intention to apply for such an order.]

(2) In sections 75A and 75B “ prescribed ” means prescribed by regulations made by the Secretary of State.]

Textual Amendments

F32 S. 75D(1A) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 122(3)**, 139(6); S.I. 2014/1640, **art. 3(1)(f)**

F33 Words in s. 75D(1A)(a) inserted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), **art. 1(1)**, **Sch. 1 para. 11(12)**

[^{F34}CHAPTER 1B

SHARED PARENTAL LEAVE

Textual Amendments

F34 Pt. 8 Ch. 1B (ss. 75E-75K) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 117(1)**, 139(6); S.I. 2014/1640, **art. 3(1)(a)**

75E Entitlement to shared parental leave: birth

- (1) The Secretary of State may make regulations entitling an employee who satisfies specified conditions—
- (a) as to duration of employment,
 - (b) as to being, or expecting to be, the mother of a child,
 - (c) as to caring or intending to care, with another person (“P”), for the child,
 - (d) as to entitlement to maternity leave,

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- (e) as to the exercise of that entitlement and the extent of any such exercise,
 - (f) as to giving notice of an intention to exercise an entitlement to leave under this subsection, and
 - (g) as to the consent of P to the amount of leave under this subsection that the employee intends to take,

to be absent from work on leave under this subsection for the purpose of caring for the child.
- (2) Regulations under subsection (1) may provide that the employee's entitlement is subject to the satisfaction by P of specified conditions—
 - (a) as to employment or self-employment,
 - (b) as to having earnings of a specified amount for a specified period,
 - (c) as to caring or intending to care, with the employee, for the child, and
 - (d) as to relationship with the child or the employee.
- (3) Provision under subsection (1)(f) may require the employee to give notice to the employer about—
 - (a) the amount of leave to which the employee would be entitled if the entitlement were fully exercised (disregarding for these purposes any intention of P to exercise an entitlement to leave under subsection (4) or to statutory shared parental pay);
 - (b) how much of the entitlement to leave the employee intends to exercise;
 - (c) the extent to which P intends to exercise an entitlement to leave under subsection (4) or to statutory shared parental pay.
- (4) The Secretary of State may make regulations entitling an employee who satisfies specified conditions—
 - (a) as to duration of employment,
 - (b) as to relationship with a child or expected child or with the child's mother,
 - (c) as to caring or intending to care, with the child's mother, for the child,
 - (d) as to giving notice of an intention to exercise an entitlement to leave under this subsection, and
 - (e) as to the consent of the child's mother to the amount of leave under this subsection that the employee intends to take,

to be absent from work on leave under this subsection for the purpose of caring for the child.
- (5) Regulations under subsection (4) may provide that the employee's entitlement is subject to the satisfaction by the child's mother of specified conditions—
 - (a) as to employment or self-employment,
 - (b) as to having earnings of a specified amount for a specified period,
 - (c) as to caring or intending to care, with the employee, for the child,
 - (d) as to entitlement (or lack of entitlement) to maternity leave, statutory maternity pay or maternity allowance, and
 - (e) as to the exercise of any such entitlement and the extent of any such exercise.
- (6) Provision under subsection (4)(d) may require the employee to give notice to the employer about—
 - (a) the amount of leave to which the employee would be entitled if the entitlement were fully exercised (disregarding for these purposes any intention of the

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- child's mother to exercise an entitlement to leave under subsection (1) or to statutory shared parental pay);
- (b) how much of the entitlement to leave the employee intends to exercise;
- (c) the extent to which the child's mother intends to exercise an entitlement to leave under subsection (1) or to statutory shared parental pay.

75F Entitlement to leave under section 75E: further provision

- (1) Regulations under section 75E are to include provision for determining—
 - (a) the amount of leave under section 75E(1) or (4) to which an employee is entitled in respect of a child;
 - (b) when leave under section 75E(1) or (4) may be taken.
- (2) Provision under subsection (1)(a) is to secure that the amount of leave to which an employee is entitled in respect of a child does not exceed—
 - (a) in a case where the child's mother became entitled to maternity leave, the relevant amount of time reduced by—
 - (i) where her maternity leave ends without her ordinary or additional maternity leave period having been curtailed by virtue of section 71(3)(ba) or 73(3)(a), the amount of maternity leave taken by the child's mother, or
 - (ii) except where sub-paragraph (i) applies, the amount of time between the beginning of her maternity leave and the time when her ordinary or additional maternity leave period, as curtailed by virtue of section 71(3)(ba) or 73(3)(a), comes to an end;
 - (b) in a case where the child's mother became entitled to statutory maternity pay or maternity allowance but not maternity leave, the relevant amount of time reduced by an amount determined in accordance with paragraph (a) or, as the case may be, paragraph (b) of section 171ZU(6) of the Social Security Contributions and Benefits Act 1992.
- (3) In subsection (2) “ the relevant amount of time ” means an amount of time specified in or determined in accordance with regulations under section 75E.
- (4) Provision under subsection (1)(a) is to secure that the amount of leave that an employee is entitled to take in respect of a child takes into account—
 - (a) in a case where another person is entitled to leave under section 75E in respect of the child, the amount of such leave taken by the other person;
 - (b) in a case where another person is entitled to statutory shared parental pay in respect of the child but not leave under section 75E, the number of weeks in respect of which such pay is payable to the other person.
- (5) In reckoning for the purposes of subsection (2) the amount of maternity leave taken, a part of a week is to be treated as a full week.
- (6) In reckoning for the purposes of subsection (4) the amount of leave under section 75E taken during a period of such leave, a part of a week is to be treated as a full week.
- (7) Provision under subsection (1)(b) is to secure that leave under section 75E must be taken before the end of such period as may be specified by the regulations.
- (8) Regulations under section 75E are to provide for the taking of leave under section 75E in a single period or in non-consecutive periods.

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- (9) Regulations under section 75E may—
- (a) provide for an employer, subject to such restrictions as may be specified, to require an employee who proposes to take non-consecutive periods of leave under section 75E to take that amount of leave as a single period of leave;
 - (b) provide for a single period of leave that is so imposed on an employee to start with a day proposed by the employee or, if no day is proposed, with the first day of the first period of leave proposed by the employee.
- (10) Regulations under section 75E may provide for the variation, subject to such restrictions as may be specified, of—
- (a) the period or periods during which an amount of leave under section 75E may be taken;
 - (b) the amount of leave under section 75E that the employee previously specified in accordance with provision under section 75E(3)(b) or (6)(b) or subsection (13)(b) of this section.
- (11) Provision under subsection (10)(a) may provide for variation to be subject to the consent of an employer in circumstances specified by the regulations.
- (12) Provision under subsection (10)(b) may require an employee to satisfy specified conditions—
- (a) as to giving notice of an intention to vary the amount of leave under section 75E to be taken by the employee;
 - (b) if the employee proposes to vary the amount of leave under section 75E(1) to be taken by the employee, as to the consent of P to that variation;
 - (c) if the employee proposes to vary the amount of leave under section 75E(4) to be taken by the employee, as to the consent of the child's mother to that variation.
- (13) Provision under subsection (12)(a) may require an employee to give notice to the employer about—
- (a) the extent to which the employee has exercised an entitlement to leave under section 75E(1) or (4) in respect of the child;
 - (b) how much of the entitlement to leave the employee intends to exercise;
 - (c) the extent to which a person other than the employee has exercised an entitlement to leave under section 75E or to statutory shared parental pay in respect of the child;
 - (d) the extent to which a person other than the employee intends to exercise such an entitlement.
- (14) Regulations under section 75E may—
- (a) specify things which are, or are not, to be taken as done for the purpose of caring for a child;
 - (b) make provision excluding the right to be absent on leave under section 75E in respect of a child where more than one child is born as a result of the same pregnancy;
 - (c) specify a minimum amount of leave under section 75E which may be taken;
 - (d) make provision about how leave under section 75E may be taken;
 - (e) specify circumstances in which an employee may work for the employer during a period of leave under section 75E without bringing the particular

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period of leave, or the employee's entitlement to leave under section 75E, to an end;

- (f) specify circumstances in which an employee may be absent on leave under section 75E otherwise than for the purpose of caring for a child without bringing the person's entitlement to leave under section 75E to an end.

(15) In this section “ week ” means any period of seven days.

(16) The Secretary of State may by regulations provide that the following do not have effect, or have effect with modifications specified by the regulations, in a case where the mother of a child dies before another person has become entitled to leave under section 75E in respect of the child—

- (a) section 75E(4)(b), (c) and (e);
- (b) section 75E(5);
- (c) section 75E(6)(c);
- (d) subsection (12)(c);
- (e) subsection (13)(c) and (d).

75G Entitlement to shared parental leave: adoption

(1) The Secretary of State may make regulations entitling an employee who satisfies specified conditions—

- (a) as to duration of employment,
- (b) as to being a person with whom a child is, or is expected to be, placed for adoption under the law of any part of the United Kingdom,
- (c) as to caring or intending to care, with another person (“P”), for the child,
- (d) as to entitlement to adoption leave,
- (e) as to the exercise of that entitlement and the extent of any such exercise,
- (f) as to giving notice of an intention to exercise an entitlement to leave under this subsection, and
- (g) as to the consent of P to the amount of leave under this subsection that the employee intends to take,

to be absent from work on leave under this subsection for the purpose of caring for the child.

(2) Regulations under subsection (1) may provide that the employee's entitlement is subject to the satisfaction by P of specified conditions—

- (a) as to employment or self-employment,
- (b) as to having earnings of a specified amount for a specified period,
- (c) as to caring or intending to care, with the employee, for the child, and
- (d) as to relationship with the child or the employee.

(3) Provision under subsection (1)(f) may require the employee to give notice to the employer about—

- (a) the amount of leave to which the employee would be entitled if the entitlement were fully exercised (disregarding for these purposes any intention of P to exercise an entitlement to leave under subsection (4) or to statutory shared parental pay);
- (b) how much of the entitlement to leave the employee intends to exercise;

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- (c) the extent to which P intends to exercise an entitlement to leave under subsection (4) or to statutory shared parental pay.
- (4) The Secretary of State may make regulations entitling an employee who satisfies specified conditions—
 - (a) as to duration of employment,
 - (b) as to relationship with a child placed, or expected to be placed, for adoption under the law of any part of the United Kingdom or with a person (“A”) with whom the child is, or is expected to be, so placed,
 - (c) as to caring or intending to care, with A, for the child,
 - (d) as to giving notice of an intention to exercise an entitlement to leave under this subsection, and
 - (e) as to the consent of A to the amount of leave under this subsection that the employee intends to take,to be absent from work on leave under this subsection for the purpose of caring for the child.
- (5) Regulations under subsection (4) may provide that the employee's entitlement is subject to the satisfaction by A of specified conditions—
 - (a) as to employment or self-employment,
 - (b) as to having earnings of a specified amount for a specified period,
 - (c) as to caring or intending to care, with the employee, for the child,
 - (d) as to entitlement (or lack of entitlement) to adoption leave or statutory adoption pay, and
 - (e) as to the exercise of any such entitlement and the extent of any such exercise.
- (6) Provision under subsection (4)(d) may require the employee to give notice to the employer about—
 - (a) the amount of leave to which the employee would be entitled if the entitlement were fully exercised (disregarding for these purposes any intention of A to exercise an entitlement to leave under subsection (1) or to statutory shared parental pay);
 - (b) how much of the entitlement to leave the employee intends to exercise;
 - (c) the extent to which A intends to exercise an entitlement to leave under subsection (1) or to statutory shared parental pay.
- (7) [^{F35}Regulations under subsections (1) and (4) are to provide for leave in respect of a child placed, or expected to be placed—
 - (a) under section 22C of the Children Act 1989 by a local authority in England, or
 - (b) under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales,with a local authority foster parent who has been approved as a prospective adopter.]
- (8) This section and section 75H have effect in relation to regulations made by virtue of subsection (7) as if references to a child being placed for adoption under the law of any part of the United Kingdom were references to being placed under section 22C of the Children Act 1989 [^{F36}, or section 81 of the Social Services and Well-being (Wales) Act 2014] with a local authority foster parent who has been approved as a prospective adopter.

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Textual Amendments

- F35** S. 75G(7) substituted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **146(a)**
- F36** Words in s. 75G(8) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **146(b)**

Modifications etc. (not altering text)

- C8** S. 75G modified (E.W.) (25.11.2014) by [The Employment Rights Act 1996 \(Application of Sections 75G and 75H to Adoptions from Overseas\) Regulations 2014 \(S.I. 2014/3091\)](#), regs. 1, 2, **Sch.**
- C9** S. 75G applied (with modifications) (25.11.2014) by [The Employment Rights Act 1996 \(Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases\) Regulations 2014 \(S.I. 2014/3095\)](#), regs. 1(1), 3, **Sch. 1**
- C10** S. 75G amendment to earlier affecting provision S.I. 2014/3095, reg. 3, Sch. 1 (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), **Sch. 2 para. 8**

75H Entitlement to leave under section 75G: further provision

- (1) Regulations under section 75G are to include provision for determining—
 - (a) the amount of leave under section 75G(1) or (4) to which an employee is entitled in respect of a child;
 - (b) when leave under section 75G(1) or (4) may be taken.
- (2) Provision under subsection (1)(a) is to secure that the amount of leave to which an employee is entitled in respect of a child does not exceed—
 - (a) in a case where a person with whom the child is, or is expected to be, placed for adoption became entitled to adoption leave, the relevant amount of time reduced by—
 - (i) where the person's adoption leave ends without the person's ordinary or additional adoption leave period having been curtailed by virtue of section 75A(2A)(a) or 75B(3)(a), the amount of adoption leave taken by that person, or
 - (ii) except where sub-paragraph (i) applies, the amount of time between the beginning of the person's adoption leave and the time when the person's ordinary or additional adoption leave period, as curtailed by virtue of section 75A(2A)(a) or 75B(3)(a), comes to an end;
 - (b) in a case where a person with whom the child is, or is expected to be, placed for adoption became entitled to statutory adoption pay but not adoption leave, the relevant amount of time reduced by an amount determined in accordance with paragraph (a) or, as the case may be, paragraph (b) of section 171ZV(6) of the Social Security Contributions and Benefits Act 1992.
- (3) In subsection (2) “the relevant amount of time” means an amount of time specified in or determined in accordance with regulations under section 75G.
- (4) Provision under subsection (1)(a) is to secure that the amount of leave that an employee is entitled to take in respect of a child takes into account—
 - (a) in a case where another person is entitled to leave under section 75G in respect of the child, the amount of such leave taken by the other person;

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- (b) in a case where another person is entitled to statutory shared parental pay in respect of the child but not leave under section 75G, the number of weeks in respect of which such pay is payable to the other person.
- (5) In reckoning for the purposes of subsection (2) the amount of adoption leave taken, a part of a week is to be treated as a full week.
- (6) In reckoning for the purposes of subsection (4) the amount of leave under section 75G taken during a period of such leave, a part of a week is to be treated as a full week.
- (7) Provision under subsection (1)(b) is to secure that leave under section 75G must be taken before the end of such period as may be prescribed by the regulations.
- (8) Regulations under section 75G are to provide for the taking of leave under section 75G in a single period or in non-consecutive periods.
- (9) Regulations under section 75G may—
 - (a) provide for an employer, subject to such restrictions as may be specified, to require an employee who proposes to take non-consecutive periods of leave under section 75G to take that amount of leave as a single period of leave, and
 - (b) provide for a single period of leave that is so imposed on an employee to start with a day proposed by the employee or, if no day is proposed, with the first day of the first period of leave proposed by the employee.
- (10) Regulations under section 75G may provide for the variation, subject to such restrictions as may be specified, of—
 - (a) the period or periods during which an amount of leave under section 75G is to be taken;
 - (b) the amount of leave under section 75G that the employee previously specified in accordance with provision under section 75G(3)(b) or (6)(b) or subsection (13)(b) of this section.
- (11) Provision under subsection (10)(a) may provide for variation to be subject to the consent of an employer in circumstances specified by the regulations.
- (12) Provision under subsection (10)(b) may require an employee to satisfy specified conditions—
 - (a) as to giving notice of an intention to vary the amount of leave under section 75G to be taken by the employee;
 - (b) if the employee proposes to vary the amount of leave under section 75G(1) to be taken by the employee, as to the consent of P to that variation;
 - (c) if the employee proposes to vary the amount of leave under section 75G(4) to be taken by the employee, as to the consent of A to that variation.
- (13) Provision under subsection (12)(a) may require an employee to give notice to the employer about—
 - (a) the extent to which the employee has exercised an entitlement to leave under section 75G(1) or (4) in respect of the child;
 - (b) how much of the entitlement to leave the employee intends to exercise;
 - (c) the extent to which a person other than the employee has exercised an entitlement to leave under section 75G or to statutory shared parental pay in respect of the child;
 - (d) the extent to which a person other than the employee intends to exercise such an entitlement.

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(14) Regulations under section 75G may—

- (a) specify things which are, or are not, to be taken as done for the purpose of caring for a child;
- (b) make provision excluding the right to be absent on leave under section 75G in respect of a child where more than one child is placed for adoption as part of the same arrangement;
- (c) specify a minimum amount of leave under section 75G which may be taken;
- (d) make provision about how leave under section 75G may be taken;
- (e) specify circumstances in which an employee may work for the employer during a period of leave under section 75G without bringing the particular period of leave, or the employee's entitlement to leave under section 75G, to an end;
- (f) specify circumstances in which an employee may be absent on leave under section 75G otherwise than for the purpose of caring for a child without bringing the person's entitlement to leave under section 75G to an end.

(15) In this section “ week ” means any period of seven days.

(16) The Secretary of State may by regulations provide that the following do not have effect, or have effect with modifications specified by the regulations, in a case where a person who is taking adoption leave or is entitled to be paid statutory adoption pay in respect of a child dies before another person has become entitled to leave under section 75G in respect of the child—

- (a) section 75G(4)(b), (c) and (e);
- (b) section 75G(5);
- (c) section 75G(6)(c);
- (d) subsection (12)(c);
- (e) subsection (13)(c) and (d).

(17) The Secretary of State may by regulations provide for section 75G and this section to have effect in relation to cases which involve adoption, but not the placement of a child for adoption under the law of any part of the United Kingdom, with such modifications as the regulations may prescribe.

(18) The Secretary of State may by regulations provide for section 75G and this section to have effect in relation to cases which involve an employee who has applied, or intends to apply, with another person for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 and a child who is, or will be, the subject of the order, with such modifications as the regulations may prescribe.

Modifications etc. (not altering text)

- C11** S. 75H applied (with modifications) (25.11.2014) by [The Employment Rights Act 1996 \(Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases\) Regulations 2014 \(S.I. 2014/3095\)](#), regs. 1(1), 3, [Sch. 1](#)
- C12** S. 75H modified (E.W.) (25.11.2014) by [The Employment Rights Act 1996 \(Application of Sections 75G and 75H to Adoptions from Overseas\) Regulations 2014 \(S.I. 2014/3091\)](#), regs. 1, 2, [Sch.](#)
- C13** S. 75H amendment to earlier affecting provision S.I. 2014/3095, reg. 3, Sch. 1 (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 2 para. 8](#)

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75I Rights during and after shared parental leave

- (1) Regulations under section 75E or 75G are to provide—
- (a) that an employee who is absent on leave under that section is entitled, for such purposes and to such extent as the regulations may prescribe, to the benefit of the terms and conditions of employment which would have applied if the employee had not been absent;
 - (b) that an employee who is absent on leave under that section is bound, for such purposes and to such extent as the regulations may prescribe, by obligations arising under those terms and conditions, except in so far as they are inconsistent with section 75E(1) or (4) or 75G(1) or (4), as the case may be; and
 - (c) that an employee who is absent on leave under that section is entitled to return from leave to a job of a kind prescribed by the regulations, subject to section 75J(1).
- (2) In subsection (1)(a) “terms and conditions of employment”—
- (a) includes matters connected with an employee's employment whether or not they arise under the employee's contract of employment, but
 - (b) does not include terms and conditions about remuneration.
- (3) The reference in subsection (1)(c) to absence on leave under section 75E or 75G includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under one of those sections and partly to any one or more of the following—
- (a) leave under the other of those sections,
 - (b) maternity leave,
 - (c) paternity leave,
 - (d) adoption leave,^{F37} ...
 - (e) parental leave^{F38}, ^{F39} ...
 - (f) parental bereavement leave.^{F40}, and
 - (g) neonatal care leave.]
- (4) Regulations under section 75E or 75G may specify matters which are, or are not, to be treated as remuneration for the purposes of this section.
- (5) Regulations under section 75E or 75G may make provision, in relation to the right to return mentioned in subsection (1)(c), about—
- (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.

Textual Amendments

- F37** Word in s. 75I(3)(d) omitted (18.1.2020) by virtue of [Parental Bereavement \(Leave and Pay\) Act 2018](#) (c. 24), s. 2(2), [Sch. para. 23\(a\)](#); S.I. 2020/45, reg. 2
- F38** S. 75I(3)(f) and preceding word inserted (18.1.2020) by [Parental Bereavement \(Leave and Pay\) Act 2018](#) (c. 24), s. 2(2), [Sch. para. 23\(b\)](#); S.I. 2020/45, reg. 2
- F39** Word in s. 75I(3)(e) omitted (17.1.2025) by virtue of [Neonatal Care \(Leave and Pay\) Act 2023](#) (c. 20), s. 3(3), [Sch. para. 23\(a\)](#); S.I. 2025/41, reg. 2
- F40** S. 75I(3)(g) and word inserted (17.1.2025) by [Neonatal Care \(Leave and Pay\) Act 2023](#) (c. 20), s. 3(3), [Sch. para. 23\(b\)](#); S.I. 2025/41, reg. 2

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75J Redundancy and dismissal

- (1) Regulations under section 75E or 75G may make provision about—
 - ^{F41}(a) redundancy during, or after, a period of leave under that section, or
 - (b) dismissal (other than by reason of redundancy) during a period of leave under that section.]
- (2) Provision made by virtue of subsection (1) may include—
 - (a) provision requiring an employer to offer alternative employment;
 - (b) provision for the consequences of failure to comply with the regulations (which may include provision for a dismissal to be treated as unfair for the purposes of Part 10).

Textual Amendments

- F41** S. 75J(1)(a)(b) substituted for s. 75J(1)(a)(b) and words (24.7.2023) by [Protection from Redundancy \(Pregnancy and Family Leave\) Act 2023 \(c. 17\)](#), **ss. 2(4), 3(2)**

75K Chapter 1B: supplemental

- (1) Regulations under section 75E or 75G may—
 - (a) make provision about notices to be given, evidence to be produced and other procedures to be followed by—
 - (i) employees,
 - (ii) employers, and
 - (iii) relevant persons;
 - (b) make provision requiring such persons to keep records;
 - (c) make provision for the consequences of failure to give notices, to produce evidence, to keep records or to comply with other procedural requirements;
 - (d) make provision for the consequences of failure to act in accordance with a notice given by virtue of paragraph (a);
 - (e) make special provision for cases where an employee has a right which corresponds to a right under section 75E or 75G and which arises under the employee's contract of employment or otherwise;
 - (f) make provision modifying the effect of Chapter 2 of Part 14 (calculation of a week's pay) in relation to an employee who is or has been absent from work on leave under section 75E or 75G;
 - (g) make provision applying, modifying or excluding an enactment, in such circumstances as may be specified and subject to any conditions which may be specified, in relation to a person entitled to take leave under section 75E or 75G.
- (2) In subsection (1) “relevant person” means—
 - (a) a person who, in connection with an employee's claim to be entitled to leave under section 75E or 75G, is required to satisfy conditions specified in provision under section 75E(2) or (5) or 75G(2) or (5), or
 - (b) a person who is an employer or former employer of such a person.

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- (3) In subsection (2)(b) “employer”, in relation to a person falling within subsection (2)(a) who is an employed earner, includes a person who is a secondary contributor as regards that employed earner.
- (4) The conditions as to employment or self-employment that may be specified in provision under section 75E(2) or (5) or 75G(2) or (5) include conditions as to being in employed or self-employed earner's employment.
- (5) In subsections (3) and (4)—
 - “employed earner” and “self-employed earner” have the meaning given by section 2 of the Social Security Contributions and Benefits Act 1992, subject for these purposes to the effect of regulations made under section 2(2)(b) of that Act (persons who are to be treated as employed or self-employed earners);
 - “employment”, in the case of employment as an employed or self-employed earner, has the meaning given by section 122 of that Act;
 - “secondary contributor”, as regards an employed earner, means a person who—
 - (a) is indicated by section 7(1) of that Act, as that subsection has effect subject to section 7(2) of that Act, as being a secondary contributor as regards the earner, or
 - (b) is indicated by regulations under section 7(2) of that Act as being a person to be treated as a secondary contributor as regards the earner.
- (6) Regulations under any of sections 75E to 75H may make different provision for different cases or circumstances.
- (7) Where sections 75G and 75H have effect in relation to such cases as are described in section 75H(18), regulations under section 75G about evidence to be produced may require statutory declarations as to—
 - (a) eligibility to apply for a parental order;
 - (b) intention to apply for such an order.]

CHAPTER II

PARENTAL LEAVE

76 Entitlement to parental leave.

- (1) The Secretary of State shall make regulations entitling an employee who satisfies specified conditions—
 - (a) as to duration of employment, and
 - (b) as to having, or expecting to have, responsibility for a child,to be absent from work on parental leave for the purpose of caring for a child.
- (2) The regulations shall include provision for determining—
 - (a) the extent of an employee's entitlement to parental leave in respect of a child;
 - (b) when parental leave may be taken.
- (3) Provision under subsection (2)(a) shall secure that where an employee is entitled to parental leave in respect of a child he is entitled to a period or total period of leave of at least three months; but this subsection is without prejudice to any provision which may be made by the regulations for cases in which—

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- (a) a person ceases to satisfy conditions under subsection (1);
 - (b) an entitlement to parental leave is transferred.
- (4) Provision under subsection (2)(b) may, in particular, refer to—
 - (a) a child's age, or
 - (b) a specified period of time starting from a specified event.
- (5) Regulations under subsection (1) may—
 - (a) specify things which are, or are not, to be taken as done for the purpose of caring for a child;
 - (b) require parental leave to be taken as a single period of absence in all cases or in specified cases;
 - (c) require parental leave to be taken as a series of periods of absence in all cases or in specified cases;
 - (d) require all or specified parts of a period of parental leave to be taken at or by specified times;
 - (e) make provision about the postponement by an employer of a period of parental leave which an employee wishes to take;
 - (f) specify a minimum or maximum period of absence which may be taken as part of a period of parental leave.
 - (g) specify a maximum aggregate of periods of parental leave which may be taken during a specified period of time.

77 Rights during and after parental leave.

- (1) Regulations under section 76 shall provide—
 - (a) that an employee who is absent on parental leave is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if he had not been absent,
 - (b) that an employee who is absent on parental leave is bound, for such purposes and to such extent as may be prescribed, by any obligations arising under those terms and conditions (except in so far as they are inconsistent with section 76(1)), and
 - (c) that an employee who is absent on parental leave is entitled, subject to section 78(1), to return from leave to a job of such kind as the regulations may specify.
- (2) In subsection (1)(a) “terms and conditions of employment”—
 - (a) includes matters connected with an employee's employment whether or not they arise under a contract of employment, but
 - (b) does not include terms and conditions about remuneration.
- (3) Regulations under section 76 may specify matters which are, or are not, to be treated as remuneration for the purposes of subsection (2)(b) above.
- (4) The regulations may make provision, in relation to the right to return mentioned in subsection (1)(c), about—
 - (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.

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78 Special cases.

- (1) Regulations under section 76 may make provision—
 - (a) about redundancy during a period of parental leave;
 - (b) about dismissal (other than by reason of redundancy) during a period of parental leave.
- (2) Provision by virtue of subsection (1) may include—
 - (a) provision requiring an employer to offer alternative employment;
 - (b) provision for the consequences of failure to comply with the regulations (which may include provision for a dismissal to be treated as unfair for the purposes of Part X).
- (3) Regulations under section 76 may provide for an employee to be entitled to choose to exercise all or part of his entitlement to parental leave—
 - (a) by varying the terms of his contract of employment as to hours of work, or
 - (b) by varying his normal working practice as to hours of work,
 in a way specified in or permitted by the regulations for a period specified in the regulations.
- (4) Provision by virtue of subsection (3)—
 - (a) may restrict an entitlement to specified circumstances;
 - (b) may make an entitlement subject to specified conditions (which may include conditions relating to obtaining the employer's consent);
 - (c) may include consequential and incidental provision.
- (5) Regulations under section 76 may make provision permitting all or part of an employee's entitlement to parental leave in respect of a child to be transferred to another employee in specified circumstances.
- (6) The reference in section 77(1)(c) to absence on parental leave includes, where appropriate, a reference to a continuous period of absence attributable partly ^[F42] to parental leave and partly to—
 - (a) maternity leave, or
 - (b) adoption leave,
 or to both.]
- (7) Regulations under section 76 may provide for specified provisions of the regulations not to apply in relation to an employee if any provision of his contract of employment—
 - (a) confers an entitlement to absence from work for the purpose of caring for a child, and
 - (b) incorporates or operates by reference to all or part of a collective agreement, or workforce agreement, of a kind specified in the regulations.

Textual Amendments

F42 Words in s. 78(6) substituted (24.11.2002) by [Employment Act 2002 \(c. 22\), s. 53, Sch. 7 para. 28](#); [S.I. 2002/2866, art. 2\(1\), Sch. 1 Pt. 1](#)

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79 Supplemental.

- (1) Regulations under section 76 may, in particular—
 - (a) make provision about notices to be given and evidence to be produced by employees to employers, by employers to employees, and by employers to other employers;
 - (b) make provision requiring employers or employees to keep records;
 - (c) make provision about other procedures to be followed by employees and employers;
 - (d) make provision (including provision creating criminal offences) specifying the consequences of failure to give notices, to produce evidence, to keep records or to comply with other procedural requirements;
 - (e) make provision specifying the consequences of failure to act in accordance with a notice given by virtue of paragraph (a);
 - (f) make special provision for cases where an employee has a right which corresponds to a right conferred by the regulations and which arises under his contract of employment or otherwise;
 - (g) make provision applying, modifying or excluding an enactment, in such circumstances as may be specified and subject to any conditions specified, in relation to a person entitled to parental leave;
 - (h) make different provision for different cases or circumstances.
- (2) The regulations may make provision modifying the effect of Chapter II of Part XIV (calculation of a week's pay) in relation to an employee who is or has been absent from work on parental leave.

^{F43}(3)

Textual Amendments

F43 S. 79(3) omitted (31.12.2020) by virtue of [The Employment Rights \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/535\)](#), reg. 1(1), [Sch. 1 para. 2](#) (with Sch. 1 para. 22); 2020 c. 1, Sch. 5 para. 1(1)

80 Complaint to employment tribunal.

- (1) An employee may present a complaint to an employment tribunal that his employer—
 - (a) has unreasonably postponed a period of parental leave requested by the employee, or
 - (b) has prevented or attempted to prevent the employee from taking parental leave.
- (2) An employment tribunal shall not consider a complaint under this section unless it is presented—
 - (a) before the end of the period of three months beginning with the date (or last date) of the matters complained of, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

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[^{F44}(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply] for the purposes of subsection (2)(a).]

- (3) Where an employment tribunal finds a complaint under this section well-founded it—
 - (a) shall make a declaration to that effect, and
 - (b) may make an award of compensation to be paid by the employer to the employee.
- (4) The amount of compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
 - (a) the employer's behaviour, and
 - (b) any loss sustained by the employee which is attributable to the matters complained of.]

Textual Amendments

F44 S. 80(2A) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/469), reg. 1(1), **Sch. 1 para. 12(21)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

[^{F45}CHAPTER 3

PATERNITY LEAVE

Textual Amendments

F45 Pt. 8 Ch. 3 inserted (8.12.2002) by [Employment Act 2002](#) (c. 22), s. 1; S.I. 2002/2866, art. 2(2), Sch. 1 Pt. 2

80A Entitlement to ^{F46}... paternity leave: birth

- (1) The Secretary of State shall make regulations entitling an employee who satisfies specified conditions—
 - (a) as to duration of employment,
 - (b) as to relationship with a newborn, or expected, child, and
 - (c) as to relationship with the child's mother,
 to be absent from work on leave under this section for the purpose of caring for the child or supporting the mother.
- (2) The regulations shall include provision for determining—
 - (a) the extent of an employee's entitlement to leave under this section in respect of a child;
 - (b) when leave under this section may be taken.
- (3) Provision under subsection (2)(a) shall secure that where an employee is entitled to leave under this section in respect of a child he is entitled to at least two weeks' leave.

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- (4) Provision under subsection (2)(b) shall secure that leave under this section must be taken before the end of a period of at least 56 days beginning with the date of the child's birth.
- [Provision under subsection (2)(b) must secure that, once an employee takes leave
- ^{F47}(4A) under section 75E in respect of a child, the employee may not take leave under this section in respect of the child.]
- (5) Regulations under subsection (1) may—
- specify things which are, or are not, to be taken as done for the purpose of caring for a child or supporting the child's mother;
 - make provision excluding the right to be absent on leave under this section in respect of a child where more than one child is born as a result of the same pregnancy;
 - make provision about how leave under this section may be taken.
- (6) Where more than one child is born as a result of the same pregnancy, the reference in subsection (4) to the date of the child's birth shall be read as a reference to the date of birth of the first child born as a result of the pregnancy.
- (7) In this section—
- “ newborn child ” includes a child stillborn after twenty-four weeks of pregnancy;
- “ week ” means any period of seven days.

Textual Amendments

- F46** Word in s. 80A heading repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 32](#); [S.I. 2014/1640](#), art. 7(o) (with art. 16)
- F47** S. 80A(4A) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 118\(6\)](#), 139(6); [S.I. 2014/1640](#), art. 3(1)(b)

Modifications etc. (not altering text)

- C14** S. 80A applied (with modifications) (25.11.2014) by [The Employment Rights Act 1996 \(Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases\) Regulations 2014 \(S.I. 2014/3095\)](#), regs. 1(1), 4, [Sch. 2](#)
- C15** S. 80A amendment to earlier affecting provision [S.I. 2014/3095](#), reg. 4, Sch. 2 (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 2 para. 8](#)

F48

Entitlement to additional paternity leave: birth

80AA

.....

Textual Amendments

- F48** S. 80AA repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 125\(1\)](#), 139(6); [S.I. 2014/1640](#), art. 6(b) (with art. 14)

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80B Entitlement to ^{F49} ... paternity leave: adoption

(1) The Secretary of State shall make regulations entitling an employee who satisfies specified conditions—

- (a) as to duration of employment,
- (b) as to relationship with a child placed, or expected to be placed, for adoption under the law of any part of the United Kingdom, and
- (c) as to relationship with a person with whom the child is, or is expected to be, so placed for adoption,

to be absent from work on leave under this section for the purpose of caring for the child or supporting the person by reference to whom he satisfies the condition under paragraph (c).

(2) The regulations shall include provision for determining—

- (a) the extent of an employee's entitlement to leave under this section in respect of a child;
- (b) when leave under this section may be taken.

(3) Provision under subsection (2)(a) shall secure that where an employee is entitled to leave under this section in respect of a child he is entitled to at least two weeks' leave.

(4) Provision under subsection (2)(b) shall secure that leave under this section must be taken before the end of a period of at least 56 days beginning with the date of the child's placement for adoption.

[Provision under subsection (2)(b) must secure that, once an employee takes leave ^{F50}(4A) under section 75G in respect of a child, the employee may not take leave under this section in respect of the child.]

(5) Regulations under subsection (1) may—

- (a) specify things which are, or are not, to be taken as done for the purpose of caring for a child or supporting a person with whom a child is placed for adoption;

^{F51} [(aa) make provision excluding the right to be absent on leave under this section in the case of an employee who, by virtue of provision under subsection (6A), has already exercised a right to be absent on leave under this section in connection with the same child;]

- (b) make provision excluding the right to be absent on leave under this section in the case of an employee who exercises a right to be absent from work on adoption leave;

^{F52} [(ba) make provision excluding the right to be absent on leave under this section in the case of an employee who has exercised a right to take time off under section 57ZJ;]

- (c) make provision excluding the right to be absent on leave under this section in respect of a child where more than one child is placed for adoption as part of the same arrangement;

- (d) make provision about how leave under this section may be taken.

(6) Where more than one child is placed for adoption as part of the same arrangement, the reference in subsection (4) to the date of the child's placement shall be read as a reference to the date of placement of the first child to be placed as part of the arrangement.

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[^{F54}Regulations under subsection (1) shall include provision for leave in respect of a
^{F53}(6A) child placed, or expected to be placed—

- (a) under section 22C of the Children Act 1989 by a local authority in England, or
- (b) under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales,

with a local authority foster parent who has been approved as a prospective adopter.]

(6B) This section has effect in relation to regulations made by virtue of subsection (6A) as if—

- (a) references to being placed for adoption were references to being placed under section 22C of the Children Act 1989^{F55}, or section 81 of the Social Services and Well-being (Wales) Act 2014] with a local authority foster parent who has been approved as a prospective adopter;
- (b) references to placement for adoption were references to placement under section 22C^{F56} of the Children Act 1989, or section 81 of the Social Services and Well-being (Wales) Act 2014] with such a person;
- (c) paragraph (aa) of subsection (5) were omitted.]

(7) In this section, “ week ” means any period of seven days.

(8) The Secretary of State may by regulations provide for this section to have effect in relation to cases which involve adoption, but not the placement of a child for adoption under the law of any part of the United Kingdom, with such modifications as the regulations may prescribe.

[The Secretary of State may by regulations provide for this section to have effect in
^{F57}(9) relation to cases which involve an employee who has applied, or intends to apply, with another person for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 and a child who is, or will be, the subject of the order, with such modifications as the regulations may prescribe.]

Textual Amendments

- F49** Word in s. 80B heading repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 33**; S.I. 2014/1640, art. 7(o) (with art. 16)
- F50** S. 80B(4A) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 118(7)**, 139(6); S.I. 2014/1640, art. 3(1)(b)
- F51** S. 80B(5)(aa) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 121(2)(a)**, 139(6); S.I. 2014/1640, art. 3(1)(e)
- F52** S. 80B(5)(ba) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 128(2)(b)**, 139(6); S.I. 2014/1640, art. 3(1)(j)
- F53** S. 80B(6A)(6B) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 121(2)(b)**, 139(6); S.I. 2014/1640, art. 3(1)(e)
- F54** S. 80B(6A) substituted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **147(a)**
- F55** Words in s. 80B(6B)(a) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **147(b)**
- F56** Words in s. 80B(6B)(b) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **147(c)**
- F57** S. 80B(9) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 122(4)**, 139(6); S.I. 2014/1640, art. 3(1)(f)

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Modifications etc. (not altering text)

- C16** S. 80B applied (with modifications) (1.4.2003) by [The Employment Rights Act 1996 \(Application of Section 80B to Adoptions from Overseas\) Regulations 2003 \(S.I. 2003/920\)](#), **reg. 2**
- C17** S. 80B applied (with modifications) (25.11.2014) by [The Employment Rights Act 1996 \(Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases\) Regulations 2014 \(S.I. 2014/3095\)](#), regs. 1(1), 4, **Sch. 2**
- C18** S. 80B amendment to earlier affecting provision S.I. 2014/3095, reg. 4, Sch. 2 (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), **Sch. 2 para. 8**

F58

Entitlement to additional paternity leave: adoption

80BB

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Textual Amendments

- F58** S. 80BB repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 125(1)**, 139(6); S.I. 2014/1640, **art. 6(b)** (with **art. 14**)

80C Rights during and after paternity leave

- (1) Regulations under section 80A ^{F59} ... shall provide—
- that an employee who is absent on leave under that section is entitled, for such purposes and to such extent as the regulations may prescribe, to the benefit of the terms and conditions of employment which would have applied if he had not been absent;
 - that an employee who is absent on leave under that section is bound, for such purposes and to such extent as the regulations may prescribe, by obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1) of that section), and
 - that an employee who is absent on leave under that section is entitled to return from leave to a job of a kind prescribed by regulations, subject to section 80D(1).
- (2) The reference in subsection (1)(c) to absence on leave under section 80A ^{F60} ... includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under that section and partly to any one or more of the following—
- ^{F61}(za)
- maternity leave,
 - adoption leave, ^{F62} ...
 - [shared parental leave,]
- ^{F63}(ba) [parental bereavement leave,]
- ^{F64}(bb) [neonatal care leave,] and
- ^{F65}(bc) (c) parental leave.
- (3) Subsection (1) shall apply to regulations under section 80B ^{F66}[^{F67} ... as it applies to regulations under section 80A ^{F68}]

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- (4) In the application of subsection (1)(c) to regulations under section 80B ^{F69} ..., the reference to absence on leave under that section includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under that section and partly to any one or more of the following—

^{F70}(za)

- (a) maternity leave,
- (b) adoption leave,
- [shared parental leave,]

^{F71}(ba)

- [parental bereavement leave,]

^{F72}(bb)

- [neonatal care leave,]

^{F73}(bc)

- (c) parental leave, and
- (d) leave under section 80A ^{F74}

- (5) In subsection (1)(a), “ terms and conditions of employment ”—

- (a) includes matters connected with an employee’s employment whether or not they arise under his contract of employment, but
- (b) does not include terms and conditions about remuneration.

- (6) Regulations under [^{F75}section 80A or 80B] may specify matters which are, or are not, to be treated as remuneration for the purposes of this section.

- (7) Regulations under [^{F76}section 80A or 80B] may make provision, in relation to the right to return mentioned in subsection (1)(c), about—

- (a) seniority, pension rights and similar rights;
- (b) terms and conditions of employment on return.

Textual Amendments

- F59** Words in s. 80C(1) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 34\(2\)](#); S.I. 2014/1640, art. 7(p) (with art. 16)
- F60** Words in s. 80C(2) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 34\(3\)\(a\)](#); S.I. 2014/1640, art. 7(p) (with art. 16)
- F61** S. 80C(2)(za) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 34\(3\)\(b\)](#); S.I. 2014/1640, art. 7(p) (with art. 16)
- F62** Word in s. 80C(2)(b) repealed (30.6.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 34\(3\)\(c\)](#); S.I. 2014/1640, art. 3(2)(h)
- F63** S. 80C(2)(ba) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 34\(3\)\(d\)](#); S.I. 2014/1640, art. 3(2)(h)
- F64** S. 80C(2)(bb) inserted (18.1.2020) by [Parental Bereavement \(Leave and Pay\) Act 2018 \(c. 24\), s. 2\(2\), Sch. para. 24\(2\)](#); S.I. 2020/45, reg. 2
- F65** S. 80C(2)(bc) inserted (17.1.2025) by [Neonatal Care \(Leave and Pay\) Act 2023 \(c. 20\), s. 3\(3\), Sch. para. 24\(2\)](#); S.I. 2025/41, reg. 2
- F66** Words in s. 80C(3) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 34\(4\)\(a\)](#); S.I. 2014/1640, art. 7(p) (with art. 16)
- F67** Words in s. 80C(3) substituted (3.3.2010) by [Work and Families Act 2006 \(c. 18\), ss. 5\(4\), 19](#); S.I. 2010/495, art. 3(a)
- F68** Words in s. 80C(3) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 34\(4\)\(b\)](#); S.I. 2014/1640, art. 7(p) (with art. 16)

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- F69** Words in s. 80C(4) repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 34(5)(a)**; S.I. 2014/1640, art. 7(p) (with art. 16)
- F70** S. 80C(4)(za) repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 34(5)(b)**; S.I. 2014/1640, art. 7(p) (with art. 16)
- F71** S. 80C(4)(ba) inserted (30.6.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 34(5)(c)**; S.I. 2014/1640, art. 3(2)(h)
- F72** S. 80C(4)(bb) inserted (18.1.2020) by Parental Bereavement (Leave and Pay) Act 2018 (c. 24), s. 2(2), **Sch. para. 24(3)**; S.I. 2020/45, reg. 2
- F73** S. 80C(4)(bc) inserted (17.1.2025) by Neonatal Care (Leave and Pay) Act 2023 (c. 20), s. 3(3), **Sch. para. 24(3)**; S.I. 2025/41, reg. 2
- F74** Words in s. 80C(4)(d) repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 34(5)(d)**; S.I. 2014/1640, art. 7(p) (with art. 16)
- F75** Words in s. 80C(6) substituted (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 34(6)**; S.I. 2014/1640, art. 7(p) (with art. 16)
- F76** Words in s. 80C(7) substituted (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 34(7)**; S.I. 2014/1640, art. 7(p) (with art. 16)

80D Special cases

- (1) Regulations under section [F77 80A [F78 or 80B]] may make provision about—
- (a) redundancy, or
 - (b) dismissal (other than by reason of redundancy),
- during a period of leave under that section.
- (2) Provision by virtue of subsection (1) may include—
- (a) provision requiring an employer to offer alternative employment;
 - (b) provision for the consequences of failure to comply with the regulations (which may include provision for a dismissal to be treated as unfair for the purposes of Part 10).

Textual Amendments

- F77** Words in s. 80D(1) substituted (3.3.2010) by Work and Families Act 2006 (c. 18), ss. 11, 19, **Sch. 1 para. 37**; S.I. 2010/495, art. 3(c)
- F78** Words in s. 80D(1) substituted (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 35**; S.I. 2014/1640, art. 7(q) (with art. 16)

80E Chapter 3: supplemental

- [Regulations under [F80 section 80A or 80B] may—
- ^{F79}(1)]
- (a) make provision about notices to be given, evidence to be produced and other procedures to be followed by employees and employers;
 - (b) make provision requiring employers or employees to keep records;
 - (c) make provision for the consequences of failure to give notices, to produce evidence, to keep records or to comply with other procedural requirements;
 - (d) make provision for the consequences of failure to act in accordance with a notice given by virtue of paragraph (a);
 - (e) make special provision for cases where an employee has a right which corresponds to a right under [F80 section 80A or 80B] and which arises under his contract of employment or otherwise;

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- (f) make provision modifying the effect of Chapter 2 of Part 14 (calculation of a week's pay) in relation to an employee who is or has been absent from work on leave under [^{F80}section 80A or 80B];
- (g) make provision applying, modifying or excluding an enactment, in such circumstances as may be specified and subject to any conditions which may be specified, in relation to a person entitled to take leave under [^{F80}section 80A or 80B];
- (h) make different provision for different cases or circumstances.

^{F81}(2)]

Textual Amendments

- F79** S. 80E renumbered (3.3.2010) as s. 80E(1) by [Work and Families Act 2006 \(c. 18\)](#), ss. 11, 19, [Sch. 1 para. 38\(3\)](#); [S.I. 2010/495](#), [art. 3\(c\)](#)
- F80** Words in s. 80E(1) substituted (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 36\(2\)](#); [S.I. 2014/1640](#), [art. 7\(q\)](#) (with [art. 16](#))
- F81** S. 80E(2) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 36\(3\)](#); [S.I. 2014/1640](#), [art. 7\(q\)](#) (with [art. 16](#))

[^{F82}CHAPTER 4

PARENTAL BEREAVEMENT LEAVE

Textual Amendments

- F82** Pt. 8 Ch. 4 inserted (18.1.2020) by [Parental Bereavement \(Leave and Pay\) Act 2018 \(c. 24\)](#), s. 2(2), [Sch. para. 2](#); [S.I. 2020/45](#), [reg. 2](#)

80EA Parental bereavement leave

- (1) The Secretary of State must make regulations entitling an employee who is a bereaved parent to be absent from work on leave under this section.
- (2) For the purposes of subsection (1) an employee is a “bereaved parent” if the employee satisfies conditions specified in the regulations as to relationship with a child who has died.
- (3) The conditions specified under subsection (2) may be framed, in whole or in part, by reference to the employee's care of the child before the child's death.
- (4) The regulations must include provision for determining—
 - (a) the extent of an employee's entitlement to leave under this section in respect of a child;
 - (b) when leave under this section may be taken.
- (5) Provision under subsection (4)(a) must secure that where an employee is entitled to leave under this section in respect of a child the employee is entitled to at least two weeks' leave.

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- (6) Provision under subsection (4)(b) must secure that leave under this section must be taken before the end of a period of at least 56 days beginning with the date of the child's death.
- (7) The regulations must secure that where a person is eligible under subsection (1) as the result of the death of more than one child, the person is entitled to leave in respect of each child.
- (8) The regulations may make provision about how leave under this section is to be taken.
- (9) In this section—
 - “child” means a person under the age of 18 (see also section 80EE for the application of this Chapter in relation to stillbirths);
 - “week” means any period of seven days.

80EB Rights during and after bereavement leave

- (1) Regulations under section 80EA must provide—
 - (a) that an employee who is absent on leave under that section is entitled, for such purposes and to such extent as the regulations may prescribe, to the benefit of the terms and conditions of employment which would have applied but for the absence,
 - (b) that an employee who is absent on leave under that section is bound, for such purposes and to such extent as the regulations may prescribe, by obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1) of that section), and
 - (c) that an employee who is absent on leave under that section is entitled to return from leave to a job of a kind prescribed by regulations, subject to section 80EC(1).
- (2) The reference in subsection (1)(c) to absence on leave under section 80EA includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under that section and partly to any one or more of the following—
 - (a) maternity leave,
 - (b) paternity leave,
 - (c) adoption leave,
 - (d) shared parental leave,^{F83} ...
 - (e) parental leave^{F84}, and
 - (f) neonatal care leave.]
- (3) In subsection (1)(a), “terms and conditions of employment”—
 - (a) includes matters connected with an employee's employment whether or not they arise under the contract of employment, but
 - (b) does not include terms and conditions about remuneration.
- (4) Regulations under section 80EA may specify matters which are, or are not, to be treated as remuneration for the purposes of this section.
- (5) Regulations under section 80EA may make provision, in relation to the right to return mentioned in subsection (1)(c), about—
 - (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.

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Textual Amendments

- F83** Word in s. 80EB(2)(d) omitted (17.1.2025) by virtue of [Neonatal Care \(Leave and Pay\) Act 2023](#) (c. 20), s. 3(3), [Sch. para. 25\(a\)](#); S.I. 2025/41, reg. 2
- F84** S. 80EB(2)(f) and word inserted (17.1.2025) by [Neonatal Care \(Leave and Pay\) Act 2023](#) (c. 20), s. 3(3), [Sch. para. 25\(b\)](#); S.I. 2025/41, reg. 2

80EC Special cases

- (1) Regulations under section 80EA may make provision about—
- (a) redundancy, or
 - (b) dismissal (other than by reason of redundancy),
- during a period of leave under that section.
- (2) Provision by virtue of subsection (1) may include—
- (a) provision requiring an employer to offer alternative employment;
 - (b) provision for the consequences of failure to comply with the regulations (which may include provision for a dismissal to be treated as unfair for the purposes of Part 10).

80ED Chapter 4: supplemental

Regulations under section 80EA may—

- (a) make provision about notices to be given, evidence to be produced and other procedures to be followed by employees and employers;
- (b) make provision requiring employers or employees to keep records;
- (c) make provision for the consequences of failure to give notices, to produce evidence, to keep records or to comply with other procedural requirements;
- (d) make provision for the consequences of failure to act in accordance with a notice given by virtue of paragraph (a);
- (e) make special provision for cases where an employee has a right which corresponds to a right under section 80EA and which arises under the person's contract of employment or otherwise;
- (f) make provision modifying the effect of Chapter 2 of Part 14 (calculation of a week's pay) in relation to an employee who is or has been absent from work on leave under section 80EA;
- (g) make provision applying, modifying or excluding an enactment, in such circumstances as may be specified and subject to any conditions which may be specified, in relation to a person entitled to take leave under section 80EA;
- (h) make different provision for different cases or circumstances;
- (i) make consequential provision.

80EE Application in relation to stillbirths

In this Chapter—

- (a) references to a child include a child stillborn after twenty-four weeks of pregnancy, and
- (b) references to the death of a child are to be read, in relation to a stillborn child, as references to the birth of the child.]

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[^{F85}CHAPTER 5

NEONATAL CARE LEAVE

Textual Amendments

F85 Pt. 8 Ch. 5 inserted (17.1.2025) by [Neonatal Care \(Leave and Pay\) Act 2023 \(c. 20\), s. 3\(3\), Sch. para. 2](#); [S.I. 2025/41, reg. 2](#)

80EF Neonatal care leave

- (1) The Secretary of State must make regulations entitling an employee to be absent from work on leave under this section if the employee satisfies conditions specified in the regulations as to a parental or other personal relationship with a child who is receiving, or has received, neonatal care.
- (2) The regulations must include provision for determining—
 - (a) the extent of an employee's entitlement to leave under this section in respect of a child;
 - (b) when leave under this section may be taken.
- (3) Provision under subsection (2)(a) must secure that where an employee is entitled to leave under this section in respect of a child the employee is entitled to at least a week's leave.
- (4) Provision under subsection (2)(b) must secure that leave under this section must be taken before the end of a period of at least 68 weeks beginning with the date of the child's birth.
- (5) An employee is entitled to leave under this section only if the neonatal care continues without interruption for a period of at least seven days beginning with the day after the day on which the care starts.
- (6) For the purposes of this Chapter, "neonatal care" means care—
 - (a) of a medical or palliative kind specified in the regulations, and
 - (b) that starts before the end of a period of 28 days beginning with the day after the date of the child's birth.
- (7) Regulations under subsection (6)(a) may specify a kind of care by reference to the kind of place at which care is provided.
- (8) The regulations may make provision about how leave under this section is to be taken.
- (9) In this section "week" means any period of seven days.

80EG Rights during and after neonatal care leave

- (1) Regulations under section [80EF](#) must provide—
 - (a) that an employee who is absent on leave under that section is entitled, for such purposes and to such extent as the regulations may prescribe, to the benefit of the terms and conditions of employment which would have applied but for the absence,

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- (b) that an employee who is absent on leave under that section is bound, for such purposes and to such extent as the regulations may prescribe, by obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1) of that section), and
 - (c) that an employee who is absent on leave under that section is entitled to return from leave to a job of a kind prescribed by regulations, subject to section 80EH.
- (2) The reference in subsection (1)(c) to absence on leave under section 80EF includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under that section and partly to any one or more of the following—
 - (a) maternity leave,
 - (b) paternity leave,
 - (c) adoption leave,
 - (d) shared parental leave,
 - (e) parental leave, and
 - (f) parental bereavement leave.
- (3) In subsection (1)(a), “terms and conditions of employment”—
 - (a) includes matters connected with an employee’s employment whether or not they arise under the contract of employment, but
 - (b) does not include terms and conditions about remuneration.
- (4) Regulations under section 80EF may specify matters which are, or are not, to be treated as remuneration for the purposes of this section.
- (5) Regulations under section 80EF may make provision, in relation to the right to return mentioned in subsection (1)(c), about—
 - (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.

80EH Special cases

- (1) Regulations under section 80EF may make provision about—
 - (a) redundancy during or after a period of leave under that section, or
 - (b) dismissal (other than by reason of redundancy) during a period of leave under that section.
- (2) Provision by virtue of subsection (1) may include—
 - (a) provision requiring an employer to offer alternative employment;
 - (b) provision for the consequences of failure to comply with the regulations (which may include provision for a dismissal to be treated as unfair for the purposes of Part 10).

80EI Chapter 5: supplemental

- (1) Regulations under section 80EF may—
 - (a) specify circumstances where neonatal care is to be regarded as continuous despite an interruption;
 - (b) make provision about notices to be given, evidence to be produced and other procedures to be followed by employees and employers;

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- (c) make provision requiring employers or employees to keep records;
 - (d) make provision for the consequences of failure to give notices, to produce evidence, to keep records or to comply with other procedural requirements;
 - (e) make provision for the consequences of failure to act in accordance with a notice given by virtue of paragraph (b);
 - (f) make special provision for cases where an employee has a right which corresponds to a right under section 80EF and which arises under the person's contract of employment or otherwise;
 - (g) make provision modifying the effect of Chapter 2 of Part 14 (calculation of a week's pay) in relation to an employee who is or has been absent from work on leave under section 80EF;
 - (h) make provision applying, modifying or excluding an enactment, in such circumstances as may be specified and subject to any conditions which may be specified, in relation to a person entitled to take leave under section 80EF;
 - (i) make different provision for different cases or circumstances;
 - (j) make consequential provision.
- (2) The cases or circumstances mentioned in subsection (1)(i) include—
- (a) more than one child (with whom an employee has a parental or other personal relationship) receiving neonatal care in specified circumstances;
 - (b) a child receiving neonatal care on two or more separate occasions;
- and regulations may, in particular, make special provision regarding the applicability and extent of the entitlement to leave in such circumstances.]

Changes to legislation:

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Changes and effects yet to be applied to :

- Pt. 8A Ch. 1 heading inserted by 2023 c. 46 s. 1(3)
- Pt. 8A Ch. 2 inserted by 2023 c. 46 s. 1(4)
- Pt. 8A Ch. 3 inserted by 2023 c. 46 s. 2
- Pt. 8A Ch. 4 inserted by 2023 c. 46 s. 3(2)
- s. 47H inserted by 2020 c. 7 Sch. 7 para. 9
- s. 47AA inserted by 2008 c. 25 s. 37
- s. 47EA inserted by 2023 c. 46 Sch. para. 4
- s. 47EB inserted by 2023 c. 46 Sch. para. 5
- s. 48(1C) inserted by 2020 c. 7 Sch. 7 para. 10(a)
- s. 48(1C) inserted by 2023 c. 46 Sch. para. 6(2)
- s. 48(1D) inserted by 2023 c. 46 Sch. para. 6(3)
- s. 49(8) inserted by 2020 c. 7 Sch. 7 para. 11(b)
- s. 49(8) inserted by 2023 c. 46 Sch. para. 7(4)
- s. 49C inserted by 2017 c. 16 s. 32(4)
- s. 80A(6A) inserted by 2024 c. 17 s. 1(2)
- s. 80B(6C) inserted by 2024 c. 17 s. 1(3)
- s. 80D(1A) inserted by 2024 c. 17 s. 1(4)(a)
- s. 80D(3) inserted by 2024 c. 17 s. 1(4)(c)
- s. 101B inserted by 2008 c. 25 s. 38
- s. 104H inserted by 2020 c. 7 Sch. 7 para. 14
- s. 104CA inserted by 2023 c. 46 Sch. para. 9
- s. 105(4B) inserted by 2008 c. 25 s. 39(3)
- s. 105(7BC) inserted by 2020 c. 7 Sch. 7 para. 15
- s. 105(7BAA) inserted by 2023 c. 46 Sch. para. 10
- s. 108(3)(gia) inserted by 2023 c. 46 Sch. para. 11
- s. 108(3)(de) inserted by 2008 c. 25 s. 39(4)
- s. 108(3)(gn) inserted by 2020 c. 7 Sch. 7 para. 16
- s. 110(3A) inserted by 2002 c. 22 s. 44
- s. 205A(2)(ba) inserted by 2023 c. 46 Sch. para. 16(2)
- s. 205A(8A) inserted by 2023 c. 46 Sch. para. 16(3)
- s. 225(7)(8) inserted by 2023 c. 46 Sch. para. 17
- s. 227(1)(zb)(zc) inserted by 2023 c. 46 Sch. para. 18

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 8A Ch. 1 heading inserted by 2023 c. 46 s. 1(3)
- Pt. 8A Ch. 2 inserted by 2023 c. 46 s. 1(4)
- Pt. 8A Ch. 3 inserted by 2023 c. 46 s. 2
- Pt. 8A Ch. 4 inserted by 2023 c. 46 s. 3(2)
- s. 47H inserted by 2020 c. 7 Sch. 7 para. 9
- s. 47AA inserted by 2008 c. 25 s. 37
- s. 47EA inserted by 2023 c. 46 Sch. para. 4
- s. 47EB inserted by 2023 c. 46 Sch. para. 5
- s. 48(1C) inserted by 2020 c. 7 Sch. 7 para. 10(a)
- s. 48(1C) inserted by 2023 c. 46 Sch. para. 6(2)
- s. 48(1D) inserted by 2023 c. 46 Sch. para. 6(3)
- s. 49(8) inserted by 2020 c. 7 Sch. 7 para. 11(b)

- s. 49(8) inserted by 2023 c. 46 Sch. para. 7(4)
- s. 49C inserted by 2017 c. 16 s. 32(4)
- s. 80A(6A) inserted by 2024 c. 17 s. 1(2)
- s. 80B(6C) inserted by 2024 c. 17 s. 1(3)
- s. 80D(1A) inserted by 2024 c. 17 s. 1(4)(a)
- s. 80D(3) inserted by 2024 c. 17 s. 1(4)(c)
- s. 101B inserted by 2008 c. 25 s. 38
- s. 104H inserted by 2020 c. 7 Sch. 7 para. 14
- s. 104CA inserted by 2023 c. 46 Sch. para. 9
- s. 105(4B) inserted by 2008 c. 25 s. 39(3)
- s. 105(7BC) inserted by 2020 c. 7 Sch. 7 para. 15
- s. 105(7BAA) inserted by 2023 c. 46 Sch. para. 10
- s. 108(3)(gia) inserted by 2023 c. 46 Sch. para. 11
- s. 108(3)(de) inserted by 2008 c. 25 s. 39(4)
- s. 108(3)(gn) inserted by 2020 c. 7 Sch. 7 para. 16
- s. 110(3A) inserted by 2002 c. 22 s. 44
- s. 205A(2)(ba) inserted by 2023 c. 46 Sch. para. 16(2)
- s. 205A(8A) inserted by 2023 c. 46 Sch. para. 16(3)
- s. 225(7)(8) inserted by 2023 c. 46 Sch. para. 17
- s. 227(1)(zb)(zc) inserted by 2023 c. 46 Sch. para. 18



Employment Rights Act 1996

1996 CHAPTER 18

PART VI

TIME OFF WORK

Public duties

50 Right to time off for public duties.

- [^{F1}(1) An employer shall permit an employee of his who is—
- (a) a justice of the peace, or
 - (b) an independent prison monitor appointed in accordance with section 7B(2) of the Prisons (Scotland) Act 1989,
- to take time off during the employee's working hours for the purpose of performing any of the duties of the office.]
- (2) An employer shall permit an employee of his who is a member of—
- (a) a local authority,
 - (b) a statutory tribunal,
 - ^{F2}(c)
 - (ca) ^{F3}
 - (d) [^{F4}an independent monitoring board for a prison][^{F5}or a prison visiting committee],
 - (e) a relevant health body,
 - (f) a relevant education body, ^{F6} . . .
 - (g) the Environment Agency or the Scottish Environment Protection Agency, ^{F7}...
 - [^{F8}(h) Scottish Water ^{F9} . . . ,]
 - [^{F10}(i) a panel of lay observers appointed in accordance with section 81(1)(b) of the Criminal Justice Act 1991,
 - (j) a Visiting Committee appointed in accordance with section 152(1) of the Immigration and Asylum Act 1999, or

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- (k) a Visiting Committee appointed by the Secretary of State for a short-term holding facility (within the meaning given by section 147 of the Immigration and Asylum Act 1999).]

to take time off during the employee's working hours for the purposes specified in subsection (3).

(3) The purposes referred to in subsection (2) are—

- (a) attendance at a meeting of the body or any of its committees or sub-committees, and
- (b) the doing of any other thing approved by the body, or anything of a class so approved, for the purpose of the discharge of the functions of the body or of any of its committees or sub-committees.^{F11} and
- (c) in the case of a local authority which are operating executive arrangements—
 - (i) attendance at a meeting of the executive of that local authority or committee of that executive; and
 - (ii) the doing of any other thing, by an individual member of that executive, for the purposes of the discharge of any function which is to any extent the responsibility of that executive.]

(4) The amount of time off which an employee is to be permitted to take under this section, and the occasions on which and any conditions subject to which time off may be so taken, are those that are reasonable in all the circumstances having regard, in particular, to—

- (a) how much time off is required for the performance of the duties of the office or as a member of the body in question, and how much time off is required for the performance of the particular duty,
- (b) how much time off the employee has already been permitted under this section or sections 168 and 170 of the ^{M1}Trade Union and Labour Relations (Consolidation) Act 1992 (time off for trade union duties and activities), and
- (c) the circumstances of the employer's business and the effect of the employee's absence on the running of that business.

(5) In subsection (2)(a) “a local authority” means—

- (a) a local authority within the meaning of the ^{M2}Local Government Act 1972,
- (b) a council constituted under section 2 of the ^{M3}Local Government etc. (Scotland) Act 1994,
- (c) the Common Council of the City of London,
- (d) a National Park authority, or
- (e) the Broads Authority.

(6) ^{F12}

(7) In subsection (2)(d)—

- (a) [^{F13} “independent monitoring board” means a board] appointed under section 6(2) of the ^{M4}Prison Act 1952, and
- (b) [^{F14} “a prison visiting committee” means a visiting committee appointed under section 19(3) of the ^{M5}Prisons (Scotland) Act 1989 or constituted by virtue of rules made under section 39 (as read with section 8(1)) of that Act.]

(8) In subsection (2)(e) “a relevant health body” means—

- (za) [^{F15} NHS England],

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- [^{F16}(zb) an integrated care board established under section 14Z25 of the National Health Service Act 2006,]
 - (a) a National Health Service trust established under [^{F17}section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006] or the ^{M6}National Health Service (Scotland) Act 1978,
 - [^{F18}(ab) an NHS foundation trust,]
 - [^{F19}(ac) the National Institute for Health and Care Excellence,]
 - ^{F20}(ad)
 - [^{F21}(ae) the Health Services Safety Investigations Body,]
 - (b) ^{F22}... [^{F23}a][^{F24} Local Health Board established under section 11 of the National Health Service (Wales) Act 2006]^{F25}... [^{F26}, a Special Health Authority established under [^{F27}section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006]^{F28}...] or
 - (c) a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978.
- (9) In subsection (2)(f) “a relevant education body” means—
 - (a) a managing or governing body of an educational establishment maintained by a [^{F29}local authority (as defined in section 579(1) of the Education Act 1996)],
 - [^{F30}(b) a further education corporation, sixth form college corporation or higher education corporation,]
 - (c) a school council appointed under section 125(1) of the ^{M7}Local Government (Scotland) Act 1973,
 - [^{F31}(d) a parent council within the meaning of section 5(2) of the Scottish Schools (Parental Involvement) Act 2006 ^{M8},]
 - [^{F32}(e) a board of management of a self-governing school within the meaning of section 135(1) of the ^{M9} Education (Scotland) Act 1980,]
 - (f) a board of management of a college of further education within the meaning of section 36(1) of the ^{M10}Further and Higher Education (Scotland) Act 1992,
 - (g) a governing body of a central institution within the meaning of section 135(1) of the Education (Scotland) Act 1980, ^{F33} . . .
 - (h) a governing body of a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992.
 - [^{F34}(i) ^{F35}... or
 - (j) the General Teaching Council for Wales.]
- [^{F36}(9A) In subsection (3)(c) of this section “executive” and “executive arrangements” have the same meaning as in Part II of the Local Government Act 2000.]
- [^{F37}(9B) In subsection (9)(b) “ further education corporation ”, “ sixth form college corporation ” and “ higher education corporation ” have the same meanings as in the Further and Higher Education Act 1992.]
- (10) The Secretary of State may by order—
 - (a) modify the provisions of subsections (1) and (2) and (5) to (9) by adding any office or body, removing any office or body or altering the description of any office or body, or
 - (b) modify the provisions of subsection (3).

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- (11) For the purposes of this section the working hours of an employee shall be taken to be any time when, in accordance with his contract of employment, the employee is required to be at work.

Textual Amendments

- F1** S. 50(1) substituted (1.10.2018) by [The Time Off for Public Duties Order 2018 \(S.I. 2018/665\)](#), arts. 1, **2(a)**
- F2** S. 50(2)(c) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 219**; S.I. 2012/2892, art. 2(i)
- F3** S. 50(2)(ca) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, **Sch. 4 para. 86**, **Sch. 17**; S.I. 2006/378, art. 4(1), **Sch.** (subject to art. 4(2)–(7))
- F4** Words in s. 50(2)(d) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), ss. 39, 41(1), **Sch. 3 para. 8(a)**; S.I. 2007/3001, **art. 2(1)(p)(r)**
- F5** Words in s. 50(2)(d) repealed (S.) (31.8.2015) by [The Public Services Reform \(Inspection and Monitoring of Prisons\) \(Scotland\) Order 2015 \(S.S.I. 2015/39\)](#), art. 1, **Sch. para. 5(a)**
- F6** Word at end of s. 50(2)(f) omitted (14.8.2000) by virtue of S.I. 2000/1737, **art. 2(a)**
- F7** Word in s. 50(2) omitted (1.10.2018) by virtue of [The Time Off for Public Duties Order 2018 \(S.I. 2018/665\)](#), arts. 1, **2(b)(i)**
- F8** S. 50(2)(h) substituted (14.7.2004) by [The Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\)](#), art. 2, **Sch. para. 18**
- F9** Words in s. 50(2)(h) omitted (28.10.2011) by virtue of [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications of Enactments\) Order 2011 \(S.I. 2011/2581\)](#), art. 2, **Sch. 3 para. 2**
- F10** S. 50(2)(i)–(k) inserted (1.10.2018) by [The Time Off for Public Duties Order 2018 \(S.I. 2018/665\)](#), arts. 1, **2(b)(ii)**
- F11** S. 50(3)(c) and preceding word inserted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, art. 30(a) and S.I. 2002/808, **art. 29(a)**
- F12** S. 50(6) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, **Sch. 15 Pt. 1(B)**; S.I. 2007/709, **art. 3(s)(i)**
- F13** Words in s. 50(7)(a) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), ss. 39, 41(1), **Sch. 3 para. 8(b)**; S.I. 2007/3001, **art. 2(1)(p)(r)**
- F14** S. 50(7)(b) repealed (S.) (31.8.2015) by [The Public Services Reform \(Inspection and Monitoring of Prisons\) \(Scotland\) Order 2015 \(S.S.I. 2015/39\)](#), art. 1, **Sch. para. 5(b)**
- F15** Words in s. 50 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 1 para. 1(1)(2)**; S.I. 2022/734, **reg. 2(a)**, **Sch.** (with regs. 13, 29, 30)
- F16** S. 50(8)(zb) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 48**; S.I. 2022/734, **reg. 2(a)**, **Sch.** (with regs. 13, 29, 30)
- F17** Words in s. 50(8)(a) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8(2), **Sch. 1 para. 179(a)** (with **Sch. 3 Pt. 1**)
- F18** S. 50(8)(ab) inserted (1.4.2004 for E.W.) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 34, 199(1)(4), **Sch. 4 para. 100**; S.I. 2004/759, **art. 2** (as amended by S.I. 2006/836 and S.I. 2007/1102)
- F19** S. 50(8)(ac) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 17 para. 6(2)**; S.I. 2013/160, **art. 2(2)** (with arts. 7–9)
- F20** S. 50(8)(ad) omitted (1.2.2023) by virtue of [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), **reg. 1(2)**, **Sch. para. 8(3)** (with **reg. 3**)
- F21** S. 50(8)(ae) inserted (1.10.2023) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 15 para. 6(3)**; S.I. 2023/1035, **reg. 2(c)**
- F22** Words in s. 50(8)(b) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 74(b)(i)**; S.I. 2013/160, **art. 2(2)** (with arts. 7–9)

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- F23** Words in s. 50(8)(b) originally substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), ss. 2, 8\(2\), Sch. 1 para. 179\(b\)\(i\)](#) (with Sch. 3 Pt. 1)
- F24** Words in s. 50(8)(b) substituted (1.4.2007) by virtue of [The References to Health Authorities Order 2007 \(S.I. 2007/961\), art. 3, Sch. para. 27\(3\)](#)
- F25** Words in s. 50(8)(b) omitted (1.3.2007) by virtue of [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), ss. 2, 8\(2\), Sch. 1 para. 179\(b\)\(ii\)](#) (with Sch. 3 Pt. 1)
- F26** Words in s. 50(8)(b) substituted (8.2.2000) by [S.I. 2000/90, art. 3, Sch. 1 para. 30\(2\)](#) (with s. 2(5))
- F27** Words in s. 50(8)(b) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), ss. 2, 8\(2\), Sch. 1 para. 179\(b\)\(iii\)](#) (with Sch. 3 Pt. 1)
- F28** Words in s. 50(8)(b) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 74\(b\)\(ii\)](#); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F29** Words in s. 50(9)(a) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\), art. 1, Sch. 2 para. 41\(2\)](#)
- F30** S. 50(9)(b) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\), art. 1\(2\)\(a\), Sch. 1 para. 96\(a\)](#)
- F31** S. 50(9)(d) substituted (1.8.2007) by [The Time Off for Public Duties \(Parent Councils\) Order 2007 \(S.I. 2007/1837\), art. 2](#)
- F32** S. 50(9)(e) repealed (S.) (31.12.2004) by [2000 asp 6, ss. 60\(2\), 61, Sch. 3; S.S.I. 2004/528, art. 2\(b\)](#)
- F33** Word in s. 50(9) after para. (g) omitted (5.10.2000) by virtue of [S.I. 2000/2463, art. 2\(2\)](#)
- F34** S. 50(9)(i)(j) inserted (5.10.2000) by [S.I. 2000/2463, 2\(3\)](#)
- F35** S. 50(9)(i) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 2 para. 24](#); [S.I. 2012/924, art. 2](#)
- F36** S. 50(9A) inserted (E.) (11.7.2001) and (W.) (1.4.2002) by [S.I. 2001/2237, art. 30\(b\)](#) and [S.I. 2002/808, art. 29\(b\)](#)
- F37** S. 50(9B) inserted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\), art. 1\(2\)\(a\), Sch. 1 para. 96\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 50(3) applied (1.4.1998) by [S.I. 1998/633, art. J12\(2\)](#)
- C2** S. 50(4) excluded (1.4.1998) by [S.I. 1998/633, art. J12\(1\)](#)

Marginal Citations

- M1** 1992 c. 52.
- M2** 1972 c. 70.
- M3** 1994 c. 39.
- M4** 1952 c. 52.
- M5** 1989 c. 45.
- M6** 1978 c. 29.
- M7** 1973 c. 65.
- M8** 2006 asp 8.
- M9** 1980 c. 44.
- M10** 1992 c. 37.

51 Complaints to ^{F38}employment tribunals].

- (1) An employee may present a complaint to an ^{F38}employment tribunal] that his employer has failed to permit him to take time off as required by section 50.
- (2) An ^{F38}employment tribunal] shall not consider a complaint under this section that an employer has failed to permit an employee to take time off unless it is presented—

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- (a) before the end of the period of three months beginning with the date on which the failure occurred, or
- (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

[^{F39}(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).]

- (3) Where an [^{F38}employment tribunal] finds a complaint under this section well-founded, the tribunal—
 - (a) shall make a declaration to that effect, and
 - (b) may make an award of compensation to be paid by the employer to the employee.
- (4) The amount of the compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
 - (a) the employer's default in failing to permit time off to be taken by the employee, and
 - (b) any loss sustained by the employee which is attributable to the matters to which the complaint relates.

Textual Amendments

- F38** Words in s. 51(1)–(3) and sidenote to s. 51 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a)(b) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1
- F39** S. 51(2A) substituted (31.12.2020) by The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469), reg. 1(1), Sch. 1 para. 12(6) (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

Looking for work and making arrangements for training

52 Right to time off to look for work or arrange training.

- (1) An employee who is given notice of dismissal by reason of redundancy is entitled to be permitted by his employer to take reasonable time off during the employee's working hours before the end of his notice in order to—
 - (a) look for new employment, or
 - (b) make arrangements for training for future employment.
- (2) An employee is not entitled to take time off under this section unless, on whichever is the later of—
 - (a) the date on which the notice is due to expire, and
 - (b) the date on which it would expire were it the notice required to be given by section 86(1),
 he will have been (or would have been) continuously employed for a period of two years or more.
- (3) For the purposes of this section the working hours of an employee shall be taken to be any time when, in accordance with his contract of employment, the employee is required to be at work.

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53 Right to remuneration for time off under section 52.

- (1) An employee who is permitted to take time off under section 52 is entitled to be paid remuneration by his employer for the period of absence at the appropriate hourly rate.
- (2) The appropriate hourly rate, in relation to an employee, is the amount of one week's pay divided by the number of normal working hours in a week for that employee when employed under the contract of employment in force on the day when the notice of dismissal was given.
- (3) But where the number of normal working hours differs from week to week or over a longer period, the amount of one week's pay shall be divided instead by the average number of normal working hours calculated by dividing by twelve the total number of the employee's normal working hours during the period of twelve weeks ending with the last complete week before the day on which the notice was given.
- (4) If an employer unreasonably refuses to permit an employee to take time off from work as required by section 52, the employee is entitled to be paid an amount equal to the remuneration to which he would have been entitled under subsection (1) if he had been permitted to take the time off.
- (5) The amount of an employer's liability to pay remuneration under subsection (1) shall not exceed, in respect of the notice period of any employee, forty per cent. of a week's pay of that employee.
- (6) A right to any amount under subsection (1) or (4) does not affect any right of an employee in relation to remuneration under his contract of employment ("contractual remuneration").
- (7) Any contractual remuneration paid to an employee in respect of a period of time off under section 52 goes towards discharging any liability of the employer to pay remuneration under subsection (1) in respect of that period; and, conversely, any payment of remuneration under subsection (1) in respect of a period goes towards discharging any liability of the employer to pay contractual remuneration in respect of that period.

54 Complaints to [^{F40}employment tribunals].

- (1) An employee may present a complaint to an [^{F40}employment tribunal] that his employer—
 - (a) has unreasonably refused to permit him to take time off as required by section 52, or
 - (b) has failed to pay the whole or any part of any amount to which the employee is entitled under section 53(1) or (4).
- (2) An [^{F40}employment tribunal] shall not consider a complaint under this section unless it is presented—
 - (a) before the end of the period of three months beginning with the date on which it is alleged that the time off should have been permitted, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

[^{F41}(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).]

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- (3) Where an [^{F40}employment tribunal] finds a complaint under this section well-founded, the tribunal shall—
- (a) make a declaration to that effect, and
 - (b) order the employer to pay to the employee the amount which it finds due to him.
- (4) The amount which may be ordered by a tribunal to be paid by an employer under subsection (3) (or, where the employer is liable to pay remuneration under section 53, the aggregate of that amount and the amount of that liability) shall not exceed, in respect of the notice period of any employee, forty per cent. of a week's pay of that employee.

Textual Amendments

- F40** Words in s. 54(1)–(3) and sidenote to s. 54 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a)(b) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1
- F41** S. 54(2A) substituted (31.12.2020) by The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469), reg. 1(1), Sch. 1 para. 12(7) (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

Ante-natal care

55 Right to time off for ante-natal care.

- (1) An employee who—
- (a) is pregnant, and
 - (b) has, on the advice of a registered medical practitioner, registered midwife or [^{F42}registered nurse], made an appointment to attend at any place for the purpose of receiving ante-natal care,
- is entitled to be permitted by her employer to take time off during the employee's working hours in order to enable her to keep the appointment.
- (2) An employee is not entitled to take time off under this section to keep an appointment unless, if her employer requests her to do so, she produces for his inspection—
- (a) a certificate from a registered medical practitioner, registered midwife or [^{F42}registered nurse] stating that the employee is pregnant, and
 - (b) an appointment card or some other document showing that the appointment has been made.
- (3) Subsection (2) does not apply where the employee's appointment is the first appointment during her pregnancy for which she seeks permission to take time off in accordance with subsection (1).
- (4) For the purposes of this section the working hours of an employee shall be taken to be any time when, in accordance with her contract of employment, the employee is required to be at work.
- [^{F43}(5) References in this section to a registered nurse are to such a nurse—
- (a) who is also registered in the Specialist Community Public Health Nurses' Part of the register maintained under article 5 of the Nursing and Midwifery Order 2001, and

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- (b) whose entry in that Part of the register is annotated to show that he holds a qualification in health visiting.]

Textual Amendments

- F42** Words in s. 55(1)(b)(2)(a) substituted by [The Nursing and Midwifery Order 2001 \(S.I. 2002/253\)](#), art. 54, [Sch. 5 para. 13](#) (with art. 3(18)) (the amendment coming into force in accordance with art. 1(2)(3) of the amending S.I.)
- F43** S. 55(5) added (1.8.2004) by [The Health Act 1999 \(Consequential Amendments\) \(Nursing and Midwifery\) Order 2004 \(S.I. 2004/1771\)](#), arts. 1(1), 3, [Sch. para. 3](#)

56 Right to remuneration for time off under section 55.

- (1) An employee who is permitted to take time off under section 55 is entitled to be paid remuneration by her employer for the period of absence at the appropriate hourly rate.
- (2) The appropriate hourly rate, in relation to an employee, is the amount of one week's pay divided by the number of normal working hours in a week for that employee when employed under the contract of employment in force on the day when the time off is taken.
- (3) But where the number of normal working hours differs from week to week or over a longer period, the amount of one week's pay shall be divided instead by—
 - (a) the average number of normal working hours calculated by dividing by twelve the total number of the employee's normal working hours during the period of twelve weeks ending with the last complete week before the day on which the time off is taken, or
 - (b) where the employee has not been employed for a sufficient period to enable the calculation to be made under paragraph (a), a number which fairly represents the number of normal working hours in a week having regard to such of the considerations specified in subsection (4) as are appropriate in the circumstances.
- (4) The considerations referred to in subsection (3)(b) are—
 - (a) the average number of normal working hours in a week which the employee could expect in accordance with the terms of her contract, and
 - (b) the average number of normal working hours of other employees engaged in relevant comparable employment with the same employer.
- (5) A right to any amount under subsection (1) does not affect any right of an employee in relation to remuneration under her contract of employment ("contractual remuneration").
- (6) Any contractual remuneration paid to an employee in respect of a period of time off under section 55 goes towards discharging any liability of the employer to pay remuneration under subsection (1) in respect of that period; and, conversely, any payment of remuneration under subsection (1) in respect of a period goes towards discharging any liability of the employer to pay contractual remuneration in respect of that period.

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

57 Complaints to ^{F44}employment tribunals].

- (1) An employee may present a complaint to an ^{F44}employment tribunal] that her employer—
 - (a) has unreasonably refused to permit her to take time off as required by section 55, or
 - (b) has failed to pay the whole or any part of any amount to which the employee is entitled under section 56.
- (2) An ^{F44}employment tribunal] shall not consider a complaint under this section unless it is presented—
 - (a) before the end of the period of three months beginning with the date of the appointment concerned, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.
- ^{F45}(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).]
- (3) Where an ^{F44}employment tribunal] finds a complaint under this section well-founded, the tribunal shall make a declaration to that effect.
- (4) If the complaint is that the employer has unreasonably refused to permit the employee to take time off, the tribunal shall also order the employer to pay to the employee ^{F46}an amount that is twice the amount of] the remuneration to which she would have been entitled under section 56 if the employer had not refused.
- (5) If the complaint is that the employer has failed to pay the employee the whole or part of any amount to which she is entitled under section 56, the tribunal shall also order the employer to pay to the employee the amount which it finds due to her.

Textual Amendments

- F44** Words in s. 57(1)–(3) and sidenote to s. 57 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a)(b) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1
- F45** S. 57(2A) substituted (31.12.2020) by The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469), reg. 1(1), Sch. 1 para. 12(8) (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in s. 57(4) substituted (1.10.2014) by Children and Families Act 2014 (c. 6), ss. 130(1), 139(6); S.I. 2014/1640, art. 4(c) (with art. 11)

^{F47}*Ante-natal care: agency workers*

Textual Amendments

- F47** Ss. 57ZA–57ZD and heading inserted (1.10.2011) by The Agency Workers Regulations 2010 (S.I. 2010/93), Reg. 25, Sch. 2 para. 93

57ZA Right to time off for ante-natal care (agency workers)

- (1) An agency worker who—

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- (a) is pregnant, and
- (b) has, on the advice of a registered medical practitioner, registered midwife or registered nurse, made an appointment to attend at any place for the purpose of receiving ante-natal care,

is entitled to be permitted, by the temporary work agency and the hirer, to take time off during the agency worker's working hours in order to enable her to keep the appointment. (2) An agency worker is not entitled to be permitted by either of those persons to take time off under this section to keep an appointment unless, if that person requests her to do so, she produces for that person's inspection—

- (a) a certificate from a registered medical practitioner, registered midwife or registered nurse stating that the agency worker is pregnant, and
- (b) an appointment card or some other document showing that the appointment has been made.

(3) Subsection (2) does not apply where the agency worker's appointment is the first appointment during her pregnancy for which she seeks permission to take time off in accordance with subsection (1). (4) For the purposes of this section the working hours of an agency worker shall be taken to be any time when, in accordance with the terms under which the agency worker works temporarily for and under the supervision and direction of the hirer, the agency worker is required to be at work.

(5) In this section references to a registered nurse have the same meaning as in section 55.

57ZB Right to remuneration for time off under section 57ZA

- () An agency worker who is permitted to take time off under section 57ZA is entitled to be paid remuneration by the temporary work agency for the period of absence at the appropriate hourly rate.
- () The appropriate hourly rate, in relation to an agency worker, is the amount of one week's pay divided by the number of normal working hours in a week for that agency worker in accordance with the terms under which the agency worker works temporarily for and under the supervision and direction of the hirer that are in force on the day when the time off is taken.
- () But where the number of normal working hours during the assignment differs from week to week or over a longer period, the amount of one week's pay shall be divided instead by the average number of normal working hours calculated by dividing by twelve the total number of the agency worker's normal working hours during the period of twelve weeks ending with the last complete week before the day on which the time off is taken.
- () A right to any amount under subsection (1) does not affect any right of an agency worker in relation to remuneration under her contract with the temporary work agency ("contractual remuneration").

(5) Any contractual remuneration paid to an agency worker in respect of a period of time off under section 57ZA goes towards discharging any liability of the temporary work agency to pay remuneration under subsection (1) in respect of that period; and, conversely, any payment of remuneration under subsection (1) in respect of a period goes towards discharging any liability of the temporary work agency to pay contractual remuneration in respect of that period.

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

57ZC Complaint to employment tribunal: agency workers

- () An agency worker may present a complaint to an employment tribunal that the temporary work agency—
 - (a) has unreasonably refused to permit her to take time off as required by section 57ZA, or
 - (b) has failed to pay the whole or any part of any amount to which she is entitled under section 57ZB.
- () An agency worker may present a complaint to an employment tribunal that the hirer has unreasonably refused to permit her to take time off as required by section 57ZA.
- () An employment tribunal shall not consider a complaint under subsection (1) or (2) unless it is presented—
 - (a) before the end of the period of three months beginning with the date of the appointment concerned, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.
- [^{F48}(3A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (3)(a).]
- () Where an employment tribunal finds a complaint under this section well-founded, the tribunal shall make a declaration to that effect.
- () If the complaint is that the temporary work agency or hirer has unreasonably refused to permit the agency worker to take time off, the tribunal shall also order payment to the agency worker of [^{F49}an amount that is twice the amount of] the remuneration to which she would have been entitled under section 57ZB if she had not been refused the time off.
- () Where the tribunal orders payment under subsection (5), the amount payable by each party shall be such as may be found by the tribunal to be just and equitable having regard to the extent of each respondent's responsibility for the infringement to which the complaint relates.
- (7) If the complaint is that the temporary work agency has failed to pay the agency worker the whole or part of any amount to which she is entitled under section 57ZB, the tribunal shall also order the temporary work agency to pay to the agency worker the amount which it finds due to her.

Textual Amendments

- F48** S. 57ZC(3A) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/469), reg. 1(1), **Sch. 1 para. 12(9)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)
- F49** Words in s. 57ZC(5) substituted (1.10.2014) by [Children and Families Act 2014](#) (c. 6), **ss. 130(2), 139(6)**; S.I. 2014/1640, art. 4(c) (with art. 11)

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

57ZD Agency workers: supplementary

- () Without prejudice to any other duties of the hirer or temporary work agency under any enactment or rule of law sections 57ZA to 57ZC do not apply where the agency worker—
 - (a) has not completed the qualifying period, or
 - (b) is no longer entitled to the rights conferred by regulation 5 of the Agency Workers Regulations 2010 pursuant to regulation 8(a) or (b) of those Regulations.
- () Nothing in those sections imposes a duty on the hirer or temporary work agency beyond the original intended duration, or likely duration of the assignment, whichever is the longer.
- () Those sections do not apply where sections 55 to 57 apply.
- () In this section and sections 57ZA to 57ZC the following have the same meaning as in the Agency Workers Regulations 2010—
 - “agency worker”;
 - “assignment”;
 - “hirer”;
 - “qualifying period”;
 - “temporary work agency”.]

[^{F50} Accompanying to ante-natal appointments

Textual Amendments

F50 Ss. 57ZE-57ZI and cross-headings inserted (1.10.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. [127\(1\)](#), [139\(6\)](#); S.I. 2014/1640, art. 4(a)

57ZE Right to time off to accompany to ante-natal appointment

- (1) An employee who has a qualifying relationship with a pregnant woman or her expected child is entitled to be permitted by his or her employer to take time off during the employee's working hours in order that he or she may accompany the woman when she attends by appointment at any place for the purpose of receiving ante-natal care.
- (2) In relation to any particular pregnancy, an employee is not entitled to take time off for the purpose specified in subsection (1) on more than two occasions.
- (3) On each of those occasions, the maximum time off during working hours to which the employee is entitled is six and a half hours.
- (4) An employee is not entitled to take time off for the purpose specified in subsection (1) unless the appointment is made on the advice of a registered medical practitioner, registered midwife or registered nurse.
- (5) Where the employer requests the employee to give the employer a declaration signed by the employee, the employee is not entitled to take time off for the purpose specified in subsection (1) unless the employee gives that declaration (which may be given in electronic form).

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) The employee must state in the declaration—
- (a) that the employee has a qualifying relationship with a pregnant woman or her expected child,
 - (b) that the employee's purpose in taking time off is the purpose specified in subsection (1),
 - (c) that the appointment in question is made on the advice of a registered medical practitioner, registered midwife or registered nurse, and
 - (d) the date and time of the appointment.
- (7) A person has a qualifying relationship with a pregnant woman or her expected child if—
- (a) the person is the husband or civil partner of the pregnant woman,
 - (b) the person, being of a different sex or the same sex, lives with the woman in an enduring family relationship but is not a relative of the woman,
 - (c) the person is the father of the expected child,
 - (d) the person is a parent of the expected child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008,^{F51}...
 - (e) the person is a potential applicant for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the expected child,^{F52}or
 - (f) the person is a potential applicant for a parental order under section 54A of the Human Fertilisation and Embryology Act 2008 in respect of the expected child.]
- (8) For the purposes of subsection (7) a relative of a person is the person's parent, grandparent, sister, brother, aunt or uncle.
- (9) The references to relationships in subsection (8)—
- (a) are to relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for the adoption, and
 - (b) include the relationship of a child with the child's adoptive, or former adoptive, parents,
- but do not include any other adoptive relationships.
- (10) For the purposes of subsection (7)(e) a person (“A”) is a potential applicant for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of an expected child only if—
- (a) A intends to apply, jointly with another person (“B”), for such an order in respect of the expected child within the time allowed by section 54(3),
 - (b) the expected child is being carried by the pregnant woman as a result of such procedure as is described in section 54(1)(a),
 - (c) the requirement in section 54(1)(b) is satisfied by reference to A or B,
 - (d) A and B would satisfy section 54(2) if they made an application under section 54 at the time that A seeks to exercise the right under this section, and
 - (e) A expects that A and B will satisfy the conditions in section 54(2), (4), (5) and (8) as regards the intended application.

^{F53} (10A) For the purposes of subsection (7)(f) a person is a potential applicant for a parental order under section 54A of the Human Fertilisation and Embryology Act 2008 in respect of an expected child only if—

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) the person intends to apply for such an order in respect of the expected child within the time allowed by section 54A(2),
 - (b) the expected child is being carried by the pregnant woman as a result of such procedure as is described in section 54A(1)(a),
 - (c) the requirement in section 54A(1)(b) is satisfied by reference to the person, and
 - (d) the person expects that he or she will satisfy the conditions in section 54A(3), (4) and (7) as regards the intended application.]
- (11) The references in this section to a registered nurse are references to a registered nurse—
- (a) who is also registered in the Specialist Community Public Health Nurses Part of the register maintained under article 5 of the Nursing and Midwifery Order 2001 (S.I. 2002/253), and
 - (b) whose entry in that Part of the register is annotated to show that the nurse holds a qualification in health visiting.
- (12) For the purposes of this section the working hours of an employee are to be taken to be any time when, in accordance with the employee's contract of employment, the employee is required to be at work.

Textual Amendments

- F51** Word in s. 57ZE(7) omitted (3.1.2019) by virtue of [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 1 para. 11\(3\)](#)
- F52** S. 57ZE(7)(f) and word inserted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 1 para. 11\(4\)](#)
- F53** S. 57ZE(10A) inserted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 1 para. 11\(5\)](#)

57ZF Complaint to employment tribunal

- (1) An employee may present a complaint to an employment tribunal that his or her employer has unreasonably refused to let him or her take time off as required by section 57ZE.
- (2) An employment tribunal may not consider a complaint under this section unless it is presented—
- (a) before the end of the period of three months beginning with the day of the appointment in question, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.
- [^{F54}(3) Section 207B applies for the purposes of subsection (2)(a).]
- (4) Where an employment tribunal finds a complaint under subsection (1) well-founded, it—
- (a) must make a declaration to that effect, and
 - (b) must order the employer to pay to the employee an amount determined in accordance with subsection (5).

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(5) The amount payable to the employee is—

$$A \times B \times 2$$

where—

- a A is the appropriate hourly rate for the employee, and
 - b B is the number of working hours for which the employee would have been entitled under section 57ZE to be absent if the time off had not been refused.
- (6) The appropriate hourly rate, in relation to an employee, is the amount of one week's pay divided by the number of normal working hours in a week for that employee when employed under the contract of employment in force on the day when the time off would have been taken.
- (7) But where the number of normal working hours differs from week to week or over a longer period, the amount of one week's pay shall be divided instead by—
- (a) the average number of normal working hours calculated by dividing by twelve the total number of the employee's normal working hours during the period of twelve weeks ending with the last complete week before the day on which the time off would have been taken, or
 - (b) where the employee has not been employed for a sufficient period to enable the calculation to be made under paragraph (a), a number which fairly represents the number of normal working hours in a week having regard to such of the considerations specified in subsection (8) as are appropriate in the circumstances.
- (8) The considerations referred to in subsection (7)(b) are—
- (a) the average number of normal working hours in a week which the employee could expect in accordance with the terms of the employee's contract, and
 - (b) the average number of normal working hours of other employees engaged in relevant comparable employment with the same employer.

Textual Amendments

F54 S. 57ZF(3) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), [Sch. 1 para. 12\(10\)](#) (with [reg. 5](#)) (as amended by [S.I. 2020/1493](#), regs. 1(1), 4(5)(6)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Accompanying to ante-natal appointments: agency workers

57ZG Right to time off to accompany to ante-natal appointment: agency workers

- (1) An agency worker who has a qualifying relationship with a pregnant woman or her expected child is entitled to be permitted, by the temporary work agency and the hirer, to take time off during the agency worker's working hours in order that he or she may accompany the woman when she attends by appointment at any place for the purpose of receiving ante-natal care.
- (2) In relation to any particular pregnancy, an agency worker is not entitled to take time off for the purpose specified in subsection (1) on more than two occasions.

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- (3) On each of those occasions, the maximum time off during working hours to which the agency worker is entitled is six and a half hours.
- (4) An agency worker is not entitled to take time off for the purpose specified in subsection (1) unless the appointment is made on the advice of a registered medical practitioner, registered midwife or registered nurse.
- (5) Where the temporary work agency or the hirer requests the agency worker to give that person a declaration signed by the agency worker, the agency worker is not entitled to take time off for the purpose specified in subsection (1) unless the agency worker gives that declaration (which may be given in electronic form).
- (6) The agency worker must state in the declaration—
 - (a) that the agency worker has a qualifying relationship with a pregnant woman or her expected child,
 - (b) that the agency worker's purpose in taking time off is the purpose specified in subsection (1),
 - (c) that the appointment in question is made on the advice of a registered medical practitioner, registered midwife or registered nurse, and
 - (d) the date and time of the appointment.
- (7) A person has a qualifying relationship with a pregnant woman or her expected child if—
 - (a) the person is the husband or civil partner of the pregnant woman,
 - (b) the person, being of a different sex or the same sex, lives with the woman in an enduring family relationship but is not a relative of the woman,
 - (c) the person is the father of the expected child,
 - (d) the person is a parent of the expected child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008,^{F55}...
 - (e) the person is a potential applicant for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the expected child^{F56}, or
 - (f) the person is a potential applicant for a parental order under section 54A of the Human Fertilisation and Embryology Act 2008 in respect of the expected child.]
- (8) For the purposes of subsection (7) a relative of a person is the person's parent, grandparent, sister, brother, aunt or uncle.
- (9) The references to relationships in subsection (8)—
 - (a) are to relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for the adoption, and
 - (b) include the relationship of a child with the child's adoptive, or former adoptive, parents,
 but do not include any other adoptive relationships.
- (10) For the purposes of subsection (7)(e) a person (“A”) is a potential applicant for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of an expected child only if—
 - (a) A intends to apply, jointly with another person (“B”), for such an order in respect of the expected child within the time allowed by section 54(3),

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- (b) the expected child is being carried by the pregnant woman as a result of such procedure as is described in section 54(1)(a),
- (c) the requirement in section 54(1)(b) is satisfied by reference to A or B,
- (d) A and B would satisfy section 54(2) if they made an application under section 54 at the time that A seeks to exercise the right under this section, and
- (e) A expects that A and B will satisfy the conditions in section 54(2), (4), (5) and (8) as regards the intended application.

[For the purposes of subsection (7)(f) a person is a potential applicant for a parental ^{F57}(10A) order under section 54A of the Human Fertilisation and Embryology Act 2008 in respect of an expected child only if—

- (a) the person intends to apply for such an order in respect of the expected child within the time allowed by section 54A(2),
- (b) the expected child is being carried by the pregnant woman as a result of such procedure as is described in section 54A(1)(a),
- (c) the requirement in section 54A(1)(b) is satisfied by reference to the person, and
- (d) the person expects that he or she will satisfy the conditions in section 54A(3), (4) and (7) as regards the intended application.]

(11) The references in this section to a registered nurse are references to a registered nurse—

- (a) who is also registered in the Specialist Community Public Health Nurses Part of the register maintained under article 5 of the Nursing and Midwifery Order 2001 (S.I. 2002/253), and
- (b) whose entry in that Part of the register is annotated to show that the nurse holds a qualification in health visiting.

(12) For the purposes of this section the working hours of an agency worker are to be taken to be any time when, in accordance with the terms under which the agency worker works temporarily for and under the supervision and direction of the hirer, the agency worker is required to be at work.

Textual Amendments

- F55** Word in s. 57ZG(7) omitted (3.1.2019) by virtue of [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 1 para. 11\(7\)](#)
- F56** S. 57ZG(7)(f) and word inserted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 1 para. 11\(8\)](#)
- F57** S. 57ZG(10A) inserted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 1 para. 11\(9\)](#)

57ZH Complaint to employment tribunal: agency workers

- (1) An agency worker may present a complaint to an employment tribunal that the temporary work agency has unreasonably refused to let him or her take time off as required by section 57ZG.
- (2) An agency worker may present a complaint to an employment tribunal that the hirer has unreasonably refused to let him or her take time off as required by section 57ZG.

Changes to legislation: *Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) An employment tribunal may not consider a complaint under subsection (1) or (2) unless it is presented—
- (a) before the end of the period of three months beginning with the day of the appointment in question, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

[^{F58}(4) Section 207B applies for the purposes of subsection (3)(a).]

- (5) Where an employment tribunal finds a complaint under subsection (1) or (2) well-founded, it—
- (a) must make a declaration to that effect, and
 - (b) must order the payment to the agency worker of an amount determined in accordance with subsection (7).
- (6) Where the tribunal orders that payment under subsection (5) be made by the temporary work agency and the hirer, the proportion of that amount payable by each respondent is to be such as may be found by the tribunal to be just and equitable having regard to the extent of each respondent's responsibility for the infringement to which the complaint relates.
- (7) The amount payable to the agency worker is—

$$A \times B \times 2$$

where—

- a A is the appropriate hourly rate for the agency worker, and
 - b B is the number of working hours for which the agency worker would have been entitled under section 57ZG to be absent if the time off had not been refused.
- (8) The appropriate hourly rate, in relation to an agency worker, is the amount of one week's pay divided by the number of normal working hours in a week for that agency worker in accordance with the terms under which the agency worker works temporarily for and under the supervision and direction of the hirer that are in force on the day when the time off would have been taken.
- (9) But where the number of normal working hours during the assignment differs from week to week or over a longer period, the amount of one week's pay shall be divided instead by the average number of normal working hours calculated by dividing by twelve the total number of the agency worker's normal working hours during the period of twelve weeks ending with the last complete week before the day on which the time off would have been taken.

Textual Amendments

F58 S. 57ZH(4) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), [Sch. 1 para. 12\(11\)](#) (with reg. 5) (as amended by [S.I. 2020/1493](#), regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

57ZI Agency workers: supplementary

- (1) Without prejudice to any other duties of the hirer or temporary work agency under any enactment or rule of law, sections 57ZG and 57ZH do not apply where the agency worker—
 - (a) has not completed the qualifying period, or
 - (b) pursuant to regulation 8(a) or (b) of the Agency Workers Regulations 2010 (S.I. 2010/93), is no longer entitled to the rights conferred by regulation 5 of those Regulations.
- (2) Nothing in sections 57ZG and 57ZH imposes a duty on the hirer or temporary work agency beyond the original intended duration, or likely duration, of the assignment, whichever is the longer.
- (3) Sections 57ZG and 57ZH do not apply where sections 57ZE and 57ZF apply.
- (4) In this section and sections 57ZG and 57ZH the following have the same meaning as in the Agency Workers Regulations 2010—
 - “agency worker”;
 - “assignment”;
 - “hirer”;
 - “qualifying period”;
 - “temporary work agency”.]

[^{F59} Adoption appointments

Textual Amendments

F59 Ss. 57ZJ-57ZS and cross-headings inserted (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 128(1), 139(6); S.I. 2014/1640, art. 6(d)**

57ZJ Right to paid time off to attend adoption appointments

- (1) An employee who has been notified by an adoption agency that a child is to be, or is expected to be, placed for adoption with the employee alone is entitled to be permitted by his or her employer to take time off during the employee's working hours in order that he or she may attend by appointment at any place for the purpose of having contact with the child or for any other purpose connected with the adoption.
- (2) An employee who—
 - (a) has been notified by an adoption agency that a child is to be, or is expected to be, placed for adoption with the employee and another person jointly, and
 - (b) has elected to exercise the right to take time off under this section in connection with the adoption,
 is entitled to be permitted by his or her employer to take time off during the employee's working hours in order that he or she may attend by appointment at any place for the purpose of having contact with the child or for any other purpose connected with the adoption.
- (3) An employee may not make an election for the purposes of subsection (2)(b) if—

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- (a) the employee has made an election for the purposes of section 57ZL(1)(b) in connection with the adoption, or
 - (b) the other person with whom the child is to be, or is expected to be, placed for adoption has made an election for the purposes of subsection (2)(b) or section 57ZN(2)(b) in connection with the adoption.
- (4) An employee is not entitled to take time off under this section on or after the date of the child's placement for adoption with the employee.
- (5) In relation to any particular adoption, an employee is not entitled to take time off under this section on more than five occasions.
- (6) On each of those occasions, the maximum time off during working hours to which the employee is entitled is six and a half hours.
- (7) An employee is not entitled to take time off under this section unless the appointment has been arranged by or at the request of the adoption agency which made the notification described in subsection (1) or (2)(a).
- (8) An employee is not entitled to take time off under subsection (1) unless, if the employer requests it, the employee gives the employer a document showing the date and time of the appointment in question and that it has been arranged as described in subsection (7).
- (9) An employee is not entitled to take time off under subsection (2) unless, if the employer requests it, the employee gives the employer—
 - (a) a declaration signed by the employee stating that the employee has made an election for the purposes of subsection (2)(b) in connection with the adoption, and
 - (b) a document showing the date and time of the appointment in question and that it has been arranged as described in subsection (7).
- (10) A document or declaration requested under subsection (8) or (9) may be given in electronic form.
- (11) In cases where more than one child is to be, or is expected to be, placed for adoption with an employee as part of the same arrangement, this section has effect as if—
 - (a) the purposes specified in subsections (1) and (2) were the purpose of having contact with any one or more of the children and any other purpose connected with any of the adoptions that are part of the arrangement;
 - (b) the references in subsections (2)(b) and (9)(a) to the adoption were references to all of the adoptions that are part of the arrangement;
 - (c) the references in subsection (3) to the adoption were references to any of the adoptions that are part of the arrangement;
 - (d) the reference in subsection (4) to the date of the child's placement for adoption were a reference to the date of placement of the first child to be placed as part of the arrangement;
 - (e) the reference in subsection (5) to a particular adoption were a reference to the adoptions that are part of a particular arrangement.
- (12) For the purposes of this section the working hours of an employee are to be taken to be any time when, in accordance with the employee's contract of employment, the employee is required to be at work.

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (13) In this section “adoption agency” means an adoption agency within the meaning of section 2 of the Adoption and Children Act 2002 or as defined in section 119(1)(a) of the Adoption and Children (Scotland) Act 2007.

57ZK Right to remuneration for time off under section 57ZJ

- (1) An employee who is permitted to take time off under section 57ZJ is entitled to be paid remuneration by his or her employer for the number of working hours for which the employee is entitled to be absent at the appropriate hourly rate.
- (2) The appropriate hourly rate, in relation to an employee, is the amount of one week's pay divided by the number of normal working hours in a week for that employee when employed under the contract of employment in force on the day when the time off is taken.
- (3) But where the number of normal working hours differs from week to week or over a longer period, the amount of one week's pay shall be divided instead by—
 - (a) the average number of normal working hours calculated by dividing by twelve the total number of the employee's normal working hours during the period of twelve weeks ending with the last complete week before the day on which the time off is taken, or
 - (b) where the employee has not been employed for a sufficient period to enable the calculation to be made under paragraph (a), a number which fairly represents the number of normal working hours in a week having regard to such of the considerations specified in subsection (4) as are appropriate in the circumstances.
- (4) The considerations referred to in subsection (3)(b) are—
 - (a) the average number of normal working hours in a week which the employee could expect in accordance with the terms of the employee's contract, and
 - (b) the average number of normal working hours of other employees engaged in relevant comparable employment with the same employer.
- (5) A right to any amount under subsection (1) does not affect any right of an employee in relation to remuneration under the employee's contract of employment (“contractual remuneration”).
- (6) Any contractual remuneration paid to an employee in respect of a period of time off under section 57ZJ goes towards discharging any liability of the employer to pay remuneration under subsection (1) in respect of that period.
- (7) Any payment of remuneration under subsection (1) in respect of a period of time off under section 57ZJ goes towards discharging any liability of the employer to pay contractual remuneration in respect of that period.

57ZL Right to unpaid time off to attend adoption appointments

- (1) An employee who—
 - (a) has been notified by an adoption agency that a child is to be, or is expected to be, placed for adoption with the employee and another person jointly, and
 - (b) has elected to exercise the right to take time off under this section in connection with the adoption,

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is entitled to be permitted by his or her employer to take time off during the employee's working hours in order that he or she may attend by appointment at any place for the purpose of having contact with the child or for any other purpose connected with the adoption.

- (2) An employee may not make an election for the purposes of subsection (1)(b) if—
 - (a) the employee has made an election for the purposes of section 57ZJ(2)(b) in connection with the adoption, or
 - (b) the other person with whom the child is to be, or is expected to be, placed for adoption has made an election for the purposes of subsection (1)(b) or section 57ZP(1)(b) in connection with the adoption.
- (3) An employee is not entitled to take time off under this section on or after the date of the child's placement for adoption with the employee.
- (4) In relation to any particular adoption, an employee is not entitled to take time off under this section on more than two occasions.
- (5) On each of those occasions, the maximum time off during working hours to which the employee is entitled is six and a half hours.
- (6) An employee is not entitled to take time off under this section unless the appointment has been arranged by or at the request of the adoption agency which made the notification described in subsection (1)(a).
- (7) An employee is not entitled to take time off under this section unless, if the employer requests it, the employee gives the employer—
 - (a) a declaration signed by the employee stating that the employee has made an election for the purposes of subsection (1)(b) in connection with the adoption, and
 - (b) a document showing the date and time of the appointment in question and that it has been arranged as described in subsection (6).
- (8) A declaration or document requested under subsection (7) may be given in electronic form.
- (9) In cases where more than one child is to be, or is expected to be, placed for adoption with an employee and another person jointly as part of the same arrangement, this section has effect as if—
 - (a) the purposes specified in subsection (1) were the purpose of having contact with any one or more of the children and any other purpose connected with any of the adoptions that are part of the arrangement;
 - (b) the references in subsections (1)(b) and (7)(a) to the adoption were references to all of the adoptions that are part of the arrangement;
 - (c) the references in subsection (2) to the adoption were references to any of the adoptions that are part of the arrangement;
 - (d) the reference in subsection (3) to the date of the child's placement for adoption were a reference to the date of placement of the first child to be placed as part of the arrangement;
 - (e) the reference in subsection (4) to a particular adoption were a reference to the adoptions that are part of a particular arrangement.

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- (10) For the purposes of this section the working hours of an employee are to be taken to be any time when, in accordance with the employee's contract of employment, the employee is required to be at work.
- (11) In this section “adoption agency” means an adoption agency within the meaning of section 2 of the Adoption and Children Act 2002 or as defined in section 119(1)(a) of the Adoption and Children (Scotland) Act 2007.

57ZM Complaint to employment tribunal

- (1) An employee may present a complaint to an employment tribunal that his or her employer—
 - (a) has unreasonably refused to let him or her take time off as required by section 57ZJ or 57ZL, or
 - (b) has failed to pay the whole or any part of any amount to which the employee is entitled under section 57ZK.
- (2) An employment tribunal may not consider a complaint under this section unless it is presented—
 - (a) before the end of the period of three months beginning with the day of the appointment in question, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.
- [^{F60}(3) Section 207B applies for the purposes of subsection (2)(a).]
- (4) Where an employment tribunal finds a complaint under subsection (1) well-founded, it must make a declaration to that effect.
- (5) If the complaint is that the employer has unreasonably refused to let the employee take time off as required by section 57ZJ, the tribunal must also order the employer to pay to the employee an amount that is twice the amount of the remuneration to which the employee would have been entitled under section 57ZK if the employer had not refused.
- (6) If the complaint is that the employer has failed to pay the employee the whole or part of any amount to which the employee is entitled under section 57ZK, the tribunal must also order the employer to pay to the employee the amount which it finds due to the employee.
- (7) If the complaint is that the employer has unreasonably refused to let the employee take time off as required by section 57ZL, the tribunal must also order the employer to pay to the employee an amount determined in accordance with subsection (8).
- (8) The amount payable to the employee is—

$$A \times B \times 2$$
 where—
 - a A is the appropriate hourly rate for the employee determined in accordance with section 57ZK(2) to (4), and
 - b B is the number of working hours for which the employee would have been entitled under section 57ZL to be absent if the time off had not been refused.

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Textual Amendments

F60 S. 57ZM(3) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 12\(12\)](#) (with [reg. 5](#)) (as amended by [S.I. 2020/1493](#), [regs. 1\(1\)](#), [4\(5\)\(6\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Adoption appointments: agency workers

57ZN Right to paid time off to attend adoption appointments: agency workers

- (1) An agency worker who has been notified by an adoption agency that a child is to be, or is expected to be, placed for adoption with the agency worker alone is entitled to be permitted by the temporary work agency and the hirer to take time off during the agency worker's working hours in order that he or she may attend by appointment at any place for the purpose of having contact with the child or for any other purpose connected with the adoption.
- (2) An agency worker who—
 - (a) has been notified by an adoption agency that a child is to be, or is expected to be, placed for adoption with the agency worker and another person jointly, and
 - (b) has elected to exercise the right to take time off under this section in connection with the adoption,is entitled to be permitted by the temporary work agency and the hirer to take time off during the agency worker's working hours in order that he or she may attend by appointment at any place for the purpose of having contact with the child or for any other purpose connected with the adoption.
- (3) An agency worker may not make an election for the purposes of subsection (2)(b) if—
 - (a) the agency worker has made an election for the purposes of section 57ZP(1)(b) in connection with the adoption, or
 - (b) the other person with whom the child is to be, or is expected to be, placed for adoption has made an election for the purposes of subsection (2)(b) or section 57ZJ(2)(b) in connection with the adoption.
- (4) An agency worker is not entitled to take time off under this section on or after the date of the child's placement for adoption with the agency worker.
- (5) In relation to any particular adoption, an agency worker is not entitled to take time off under this section on more than five occasions.
- (6) On each of those occasions, the maximum time off during working hours to which the agency worker is entitled is six and a half hours.
- (7) An agency worker is not entitled to take time off under this section unless the appointment has been arranged by or at the request of the adoption agency which made the notification described in subsection (1) or (2)(a).
- (8) An agency worker is not entitled to take time off under subsection (1) unless, if the temporary work agency or the hirer requests it, the agency worker gives that person a document showing the date and time of the appointment in question and that it has been arranged as described in subsection (7).

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- (9) An agency worker is not entitled to take time off under subsection (2) unless, if the temporary work agency or the hirer requests it, the agency worker gives that person—
 - (a) a declaration signed by the agency worker stating that the agency worker has made an election for the purposes of subsection (2)(b) in connection with the adoption, and
 - (b) a document showing the date and time of the appointment in question and that it has been arranged as described in subsection (7).
- (10) A document or declaration requested under subsection (8) or (9) may be given in electronic form.
- (11) In cases where more than one child is to be, or is expected to be, placed for adoption with an agency worker as part of the same arrangement, this section has effect as if—
 - (a) the purposes specified in subsections (1) and (2) were the purpose of having contact with any one or more of the children and any other purpose connected with any of the adoptions that are part of the arrangement;
 - (b) the references in subsections (2)(b) and (9)(a) to the adoption were references to all of the adoptions that are part of the arrangement;
 - (c) the references in subsection (3) to the adoption were references to any of the adoptions that are part of the arrangement;
 - (d) the reference in subsection (4) to the date of the child's placement for adoption were a reference to the date of placement of the first child to be placed as part of the arrangement;
 - (e) the reference in subsection (5) to a particular adoption were a reference to the adoptions that are part of a particular arrangement.
- (12) For the purposes of this section the working hours of an agency worker are to be taken to be any time when, in accordance with the terms under which the agency worker works temporarily for and under the supervision and direction of the hirer, the agency worker is required to be at work.
- (13) In this section “adoption agency” means an adoption agency within the meaning of section 2 of the Adoption and Children Act 2002 or as defined in section 119(1)(a) of the Adoption and Children (Scotland) Act 2007.

57ZO Right to remuneration for time off under section 57ZN

- (1) An agency worker who is permitted to take time off under section 57ZN is entitled to be paid remuneration by the temporary work agency for the number of working hours for which the agency worker is entitled to be absent at the appropriate hourly rate.
- (2) The appropriate hourly rate, in relation to an agency worker, is the amount of one week's pay divided by the number of normal working hours in a week for that agency worker in accordance with the terms under which the agency worker works temporarily for and under the supervision and direction of the hirer that are in force on the day when the time off is taken.
- (3) But where the number of normal working hours during the assignment differs from week to week or over a longer period, the amount of one week's pay shall be divided instead by the average number of normal working hours calculated by dividing by twelve the total number of the agency worker's normal working hours during the period of twelve weeks ending with the last complete week before the day on which the time off is taken.

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- (4) A right to any amount under subsection (1) does not affect any right of an agency worker in relation to remuneration under the agency worker's contract with the temporary work agency ("contractual remuneration").
- (5) Any contractual remuneration paid to an agency worker in respect of a period of time off under section 57ZN goes towards discharging any liability of the temporary work agency to pay remuneration under subsection (1) in respect of that period.
- (6) Any payment of remuneration under subsection (1) in respect of a period of time off under section 57ZN goes towards discharging any liability of the temporary work agency to pay contractual remuneration in respect of that period.

57ZP Right to unpaid time off to attend adoption meetings: agency workers

- (1) An agency worker who—
 - (a) has been notified by an adoption agency that a child is to be, or is expected to be, placed for adoption with the agency worker and another person jointly, and
 - (b) has elected to exercise the right to take time off under this section in connection with the adoption,is entitled to be permitted by the temporary work agency and the hirer to take time off during the agency worker's working hours in order that he or she may attend by appointment at any place for the purpose of having contact with the child or for any other purpose connected with the adoption.
- (2) An agency worker may not make an election for the purposes of subsection (1)(b) if—
 - (a) the agency worker has made an election for the purposes of section 57ZN(2)(b) in connection with the adoption, or
 - (b) the other person with whom the child is to be, or is expected to be, placed for adoption has made an election for the purposes of subsection (1)(b) or section 57ZL(1)(b) in connection with the adoption.
- (3) An agency worker is not entitled to take time off under this section on or after the date of the child's placement for adoption with the agency worker.
- (4) In relation to any particular adoption, an agency worker is not entitled to take time off under this section on more than two occasions.
- (5) On each of those occasions, the maximum time off during working hours to which the agency worker is entitled is six and a half hours.
- (6) An agency worker is not entitled to take time off under this section unless the appointment has been arranged by or at the request of the adoption agency which made the notification described in subsection (1)(a).
- (7) An agency worker is not entitled to take time off under this section unless, if the temporary work agency or the hirer requests it, the agency worker gives that person—
 - (a) a declaration signed by the agency worker stating that the agency worker has made an election for the purposes of subsection (1)(b) in connection with the adoption, and
 - (b) a document showing the date and time of the appointment in question and that it has been arranged as described in subsection (6).
- (8) A declaration or document requested under subsection (7) may be given in electronic form.

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- (9) In cases where more than one child is to be, or is expected to be, placed for adoption with an agency worker and another person jointly as part of the same arrangement, this section has effect as if—
- (a) the purposes specified in subsection (1) were the purpose of having contact with any one or more of the children and any other purpose connected with any of the adoptions that are part of the arrangement;
 - (b) the references in subsections (1)(b) and (7)(a) to the adoption were references to all of the adoptions that are part of the arrangement;
 - (c) the references in subsection (2) to the adoption were references to any of the adoptions that are part of the arrangement;
 - (d) the reference in subsection (3) to the date of the child's placement for adoption were a reference to the date of placement of the first child to be placed as part of the arrangement;
 - (e) the reference in subsection (4) to a particular adoption were a reference to the adoptions that are part of a particular arrangement.
- (10) For the purposes of this section the working hours of an agency worker are to be taken to be any time when, in accordance with the terms under which the agency worker works temporarily for and under the supervision and direction of the hirer, the agency worker is required to be at work.
- (11) In this section “ adoption agency ” means an adoption agency within the meaning of section 2 of the Adoption and Children Act 2002 or as defined by section 119(1)(a) of the Adoption and Children (Scotland) Act 2007.

57ZQ Complaint to employment tribunal: agency workers

- (1) An agency worker may present a complaint to an employment tribunal that the temporary work agency—
- (a) has unreasonably refused to let him or her take time off as required by section 57ZN or 57ZP, or
 - (b) has failed to pay the whole or any part of any amount to which the agency worker is entitled under section 57ZO.
- (2) An agency worker may present a complaint to an employment tribunal that the hirer has unreasonably refused to let him or her take time off as required by section 57ZN or 57ZP.
- (3) An employment tribunal may not consider a complaint under subsection (1) or (2) unless it is presented—
- (a) before the end of the period of three months beginning with the day of the appointment in question, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.
- [^{F61}(4) Section 207B applies for the purposes of subsection (3)(a).]
- (5) Where an employment tribunal finds a complaint under subsection (1) or (2) well-founded, it must make a declaration to that effect.
- (6) If the complaint is that the temporary work agency or hirer has unreasonably refused to let the agency worker take time off as required by section 57ZN, the tribunal

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must also order payment to the agency worker of an amount that is twice the amount of the remuneration to which the agency worker would have been entitled under section 57ZO if the agency worker had not been refused the time off.

- (7) If the complaint is that the temporary work agency has failed to pay the agency worker the whole or part of any amount to which the agency worker is entitled under section 57ZO, the tribunal must also order the temporary work agency to pay to the agency worker the amount which it finds due to the agency worker.
- (8) If the complaint is that the temporary work agency or hirer has unreasonably refused to let the agency worker take time off as required by section 57ZP, the tribunal must also order payment to the agency worker of an amount determined in accordance with subsection (9).
- (9) The amount payable to the agency worker under subsection (8) is—

$$A \times B \times 2$$

where—

- a A is the appropriate hourly rate for the agency worker determined in accordance with section 57ZO(2) and (3), and
- b B is the number of working hours for which the agency worker would have been entitled under section 57ZP to be absent if the time off had not been refused.
- (10) Where the tribunal orders that payment under subsection (6) or (8) be made by the temporary work agency and the hirer, the proportion of that amount payable by each respondent is to be such as may be found by the tribunal to be just and equitable having regard to the extent of each respondent's responsibility for the infringement to which the complaint relates.

Textual Amendments

F61 S. 57ZQ(4) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/469), reg. 1(1), [Sch. 1 para. 12\(13\)](#) (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

57ZR Agency workers: supplementary

- (1) Without prejudice to any other duties of the hirer or temporary work agency under any enactment or rule of law, sections 57ZN to 57ZQ do not apply where the agency worker—
- (a) has not completed the qualifying period, or
- (b) pursuant to regulation 8(a) or (b) of the Agency Workers Regulations 2010 (S.I. 2010/93), is no longer entitled to the rights conferred by regulation 5 of those Regulations.
- (2) Nothing in sections 57ZN to 57ZQ imposes a duty on the hirer or temporary work agency beyond the original intended duration, or likely duration, of the assignment, whichever is the longer.
- (3) Sections 57ZN to 57ZQ do not apply where sections 57ZJ to 57ZM apply.
- (4) In this section and sections 57ZN to 57ZQ the following have the same meaning as in the Agency Workers Regulations 2010—

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“agency worker”;
 “assignment”;
 “hirer”;
 “qualifying period”;
 “temporary work agency”.

57ZS Placement of looked after children with prospective adopters

- (1) Subsection (2) applies where a local authority in England notifies a person—
- (a) who is a local authority foster parent, and
 - (b) who has been approved as a prospective adopter,
- that a child is to be, or is expected to be, placed with that person under section 22C of the Children Act 1989.

- (2) Where this subsection applies, sections 57ZJ, 57ZL, 57ZN and 57ZP have effect as if—

- (a) references to adoption or placement for adoption were references to placement of a child under section 22C of the Children Act 1989 with a local authority foster parent who has been approved as a prospective adopter;
- (b) references to placing for adoption were references to placing a child under section 22C of that Act with a local authority foster parent who has been approved as a prospective adopter;
- (c) references to an adoption agency were references to a local authority in England.

[Subsection (2B) applies where a local authority in Wales notifies a person—

- ^{F62}(2A) (a) who is a local authority foster parent, and
- (b) who has been approved as prospective adopter,
- that a child is to be, or is expected to be, placed with that person under section 81 of the Social Services and Well-being (Wales) Act 2014.

- (2B) Where this subsection applies, sections 57ZJ, 57ZL, 57ZN and 57ZP have effect as if—

- (a) references to adoption or placement for adoption were references to placement of a child under section 81 of the Social Services and Well-being (Wales) Act 2014 with a local authority foster parent who has been approved as a prospective adopter;
- (b) references to placing for adoption were references to placing a child under section 81 of that Act with a local authority foster parent who has been approved as a prospective adopter;
- (c) references to an adoption agency were references to a local authority in Wales.]

- (3) Where a child is placed under section 22C of the Children Act 1989^{F63} or section 81 of the Social Services and Well-being (Wales) Act 2014] with a local authority foster parent who has been approved as a prospective adopter, notification of that person by an adoption agency during that placement that the child is to be, or is expected to be, placed with that person for adoption is not to give rise to a right to time off under section 57ZJ, 57ZL, 57ZN or 57ZP for that person or another person.]

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Textual Amendments

- F62** S. 57ZS(2A)(2B) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **144(a)**
- F63** Words in s. 57ZS(3) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **144(b)**

[^{F64}Dependants

Textual Amendments

- F64** Ss. 57A, 57B and heading inserted (15.12.1999) by [1999 c. 26, s. 8, Sch. 4 Pt. II](#); [S.I. 1999/2830](#), art. 2(2), [Sch. 1 Pt. II](#)

^{F65} **57A Time off for dependants.**

- (1) An employee is entitled to be permitted by his employer to take a reasonable amount of time off during the employee's working hours in order to take action which is necessary—
- (a) to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted,
 - (b) to make arrangements for the provision of care for a dependant who is ill or injured,
 - (c) in consequence of the death of a dependant,
 - (d) because of the unexpected disruption or termination of arrangements for the care of a dependant, or
 - (e) to deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him.
- (2) Subsection (1) does not apply unless the employee—
- (a) tells his employer the reason for his absence as soon as reasonably practicable, and
 - (b) except where paragraph (a) cannot be complied with until after the employee has returned to work, tells his employer for how long he expects to be absent.
- (3) Subject to subsections (4) and (5), for the purposes of this section “dependant” means, in relation to an employee—
- (a) a spouse [^{F66}or civil partner] ,
 - (b) a child,
 - (c) a parent,
 - (d) a person who lives in the same household as the employee, otherwise than by reason of being his employee, tenant, lodger or boarder.
- (4) For the purposes of subsection (1)(a) or (b) “dependant” includes, in addition to the persons mentioned in subsection (3), any person who reasonably relies on the employee—
- (a) for assistance on an occasion when the person falls ill or is injured or assaulted, or

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- (b) to make arrangements for the provision of care in the event of illness or injury.
- (5) For the purposes of subsection (1)(d) “dependant” includes, in addition to the persons mentioned in subsection (3), any person who reasonably relies on the employee to make arrangements for the provision of care.
- (6) A reference in this section to illness or injury includes a reference to mental illness or injury.

Textual Amendments

- F65** Ss. 57A, 57B and heading inserted (15.12.1999) by 1999 c. 26, s. 8, [Sch. 4 Pt. II](#); S.I. 1999/2830, art. 2(2), [Sch. 1 Pt. II](#)
- F66** Words in s. 57A(3)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1), 263, [Sch. 27 para. 151](#); S.I. 2005/3175, [art. 2\(2\)](#) (Subject to art. 2(3)-(5))

^{F67} **57B Complaint to employment tribunal.**

- (1) An employee may present a complaint to an employment tribunal that his employer has unreasonably refused to permit him to take time off as required by section 57A.
- (2) An employment tribunal shall not consider a complaint under this section unless it is presented—
 - (a) before the end of the period of three months beginning with the date when the refusal occurred, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.
- [^{F68}(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).]
- (3) Where an employment tribunal finds a complaint under subsection (1) well-founded, it—
 - (a) shall make a declaration to that effect, and
 - (b) may make an award of compensation to be paid by the employer to the employee.
- (4) The amount of compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
 - (a) the employer’s default in refusing to permit time off to be taken by the employee, and
 - (b) any loss sustained by the employee which is attributable to the matters complained of.]

Textual Amendments

- F67** Ss. 57A, 57B and heading inserted (15.12.1999) by 1999 c. 26, s. 8, [Sch. 4 Pt. II](#); S.I. 1999/2830, art. 2(2), [Sch. 1 Pt. II](#)
- F68** [S. 57B\(2A\)](#) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), [Sch. 1 para. 12\(14\)](#) (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

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Occupational pension scheme trustees

58 Right to time off for pension scheme trustees.

- (1) The employer in relation to a relevant occupational pension scheme shall permit an employee of his who is a trustee of the scheme to take time off during the employee's working hours for the purpose of—
- (a) performing any of his duties as such a trustee, or
 - (b) undergoing training relevant to the performance of those duties.
- (2) The amount of time off which an employee is to be permitted to take under this section and the purposes for which, the occasions on which and any conditions subject to which time off may be so taken are those that are reasonable in all the circumstances having regard, in particular, to—
- (a) how much time off is required for the performance of the duties of a trustee of the scheme and the undergoing of relevant training, and how much time off is required for performing the particular duty or for undergoing the particular training, and
 - (b) the circumstances of the employer's business and the effect of the employee's absence on the running of that business.
- [^{F69}(2A) This section applies to an employee who is a director of a company which is a trustee of a relevant occupational pension scheme as it applies to an employee who is a trustee of such a scheme (references to such a trustee being read for this purpose as references to such a director).]
- (3) In this section—
- (a) “relevant occupational pension scheme” means an occupational pension scheme (as defined in section 1 of the ^{M11} Pension Schemes Act 1993) established under a trust, and
 - (b) references to the employer, in relation to such a scheme, are to an employer of persons in the description or category of employment to which the scheme relates [^{F70}, and
 - ^{F70}(c) references to training are to training on the employer's premises or elsewhere.]
- (4) For the purposes of this section the working hours of an employee shall be taken to be any time when, in accordance with his contract of employment, the employee is required to be at work.

Textual Amendments

F69 S. 58(2A) inserted (11.11.1999 for specified purposes and otherwise 25.4.2000) by 1999 c. 30, ss. 18, 89(1)(5)(a), **Sch. 2 para. 19(3)**; S.I. 2000/1047, art. 2(2), **Sch. Pt. II**

F70 S. 58(3)(c) and preceding word “and” inserted (1.9.1999) by 1998 c. 30, s. 44(1), **Sch. 3 para. 12** (with s. 42(8)); S.I. 1999/987, **art. 2**

Modifications etc. (not altering text)

C3 S. 58 applied (11.11.1999 for specified purposes and otherwise 8.10.2001) by 1999 c. 30, s. 6(2), (with s. 8(6)); S.I. 2000/1047, art. 2(2), **Sch. Pt. V**

Commencement Information

I1 S. 58 wholly in force at 6.10.1996, see Sch. 2 para. 15(1) and S.I. 1996/2514, **art. 2**

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Marginal Citations

M11 1993 c. 48.

59 Right to payment for time off under section 58.

- (1) An employer who permits an employee to take time off under section 58 shall pay him for the time taken off pursuant to the permission.
- (2) Where the employee's remuneration for the work he would ordinarily have been doing during that time does not vary with the amount of work done, he must be paid as if he had worked at that work for the whole of that time.
- (3) Where the employee's remuneration for the work he would ordinarily have been doing during that time varies with the amount of work done, he must be paid an amount calculated by reference to the average hourly earnings for that work.
- (4) The average hourly earnings mentioned in subsection (3) are—
 - (a) those of the employee concerned, or
 - (b) if no fair estimate can be made of those earnings, the average hourly earnings for work of that description of persons in comparable employment with the same employer or, if there are no such persons, a figure of average hourly earnings which is reasonable in the circumstances.
- (5) A right to be paid an amount under subsection (1) does not affect any right of an employee in relation to remuneration under his contract of employment ("contractual remuneration").
- (6) Any contractual remuneration paid to an employee in respect of a period of time off under section 58 goes towards discharging any liability of the employer under subsection (1) in respect of that period; and, conversely, any payment under subsection (1) in respect of a period goes towards discharging any liability of the employer to pay contractual remuneration in respect of that period.

Commencement Information

I2 S. 59 wholly in force at 6.10.1996, see Sch. 2 para. 15(1) and S.I. 1996/2514, art. 2

60 Complaints to [F71 employment tribunals].

- (1) An employee may present a complaint to an [F71 employment tribunal] that his employer—
 - (a) has failed to permit him to take time off as required by section 58, or
 - (b) has failed to pay him in accordance with section 59.
- (2) An [F71 employment tribunal] shall not consider a complaint under this section unless it is presented—
 - (a) before the end of the period of three months beginning with the date when the failure occurred, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F72}(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).]

- (3) Where an [^{F71}employment tribunal] finds a complaint under subsection (1)(a) well-founded, the tribunal—
- (a) shall make a declaration to that effect, and
 - (b) may make an award of compensation to be paid by the employer to the employee.
- (4) The amount of the compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
- (a) the employer's default in failing to permit time off to be taken by the employee, and
 - (b) any loss sustained by the employee which is attributable to the matters complained of.
- (5) Where on a complaint under subsection (1)(b) an [^{F71}employment tribunal] finds that an employer has failed to pay an employee in accordance with section 59, it shall order the employer to pay the amount which it finds to be due.

Textual Amendments

- F71** Words in s. 60(1)–(3)(5) and sidenote to s. 60 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a)(b) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1
- F72** S. 60(2A) substituted (31.12.2020) by The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469), reg. 1(1), Sch. 1 para. 12(15) (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I3** S. 60 wholly in force at 6.10.1996, see Sch. 2 para. 15(1) and S.I. 1996/2514, art. 2

Employee representatives

61 Right to time off for employee representatives.

- (1) An employee who is—
- (a) an employee representative for the ^{M12} purposes of Chapter II of Part IV of the ^{M13} Trade Union and Labour Relations (Consolidation) Act 1992 (redundancies) or [^{F73}regulations 9, 13 and 15 of the Transfer of Undertakings (Protection of Employment) Regulations 2006], or
 - (b) a candidate in an election in which any person elected will, on being elected, be such an employee representative,
- is entitled to be permitted by his employer to take reasonable time off during the employee's working hours in order to perform his functions as such an employee representative or candidate [^{F74}or in order to undergo training to perform such functions].
- (2) For the purposes of this section the working hours of an employee shall be taken to be any time when, in accordance with his contract of employment, the employee is required to be at work.

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F73** Words in s. 61(1)(a) substituted (6.4.2006 with application in accordance with reg. 21(1) of the amending S.I.) by [The Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \(S.I. 2006/246\)](#), [regs. 1\(2\), 20](#), [Sch. 2 para. 10\(b\)](#)
- F74** Words in s. 61(1) inserted (28.7.1999) by [S.I. 1999/1925](#), [reg. 15](#)

Marginal Citations

- M12** [S.I. 1981/1794](#).
- M13** [1992 c. 52](#).

62 Right to remuneration for time off under section 61.

- (1) An employee who is permitted to take time off under section 61 is entitled to be paid remuneration by his employer for the time taken off at the appropriate hourly rate.
- (2) The appropriate hourly rate, in relation to an employee, is the amount of one week's pay divided by the number of normal working hours in a week for that employee when employed under the contract of employment in force on the day when the time off is taken.
- (3) But where the number of normal working hours differs from week to week or over a longer period, the amount of one week's pay shall be divided instead by—
 - (a) the average number of normal working hours calculated by dividing by twelve the total number of the employee's normal working hours during the period of twelve weeks ending with the last complete week before the day on which the time off is taken, or
 - (b) where the employee has not been employed for a sufficient period to enable the calculation to be made under paragraph (a), a number which fairly represents the number of normal working hours in a week having regard to such of the considerations specified in subsection (4) as are appropriate in the circumstances.
- (4) The considerations referred to in subsection (3)(b) are—
 - (a) the average number of normal working hours in a week which the employee could expect in accordance with the terms of his contract, and
 - (b) the average number of normal working hours of other employees engaged in relevant comparable employment with the same employer.
- (5) A right to any amount under subsection (1) does not affect any right of an employee in relation to remuneration under his contract of employment ("contractual remuneration").
- (6) Any contractual remuneration paid to an employee in respect of a period of time off under section 61 goes towards discharging any liability of the employer to pay remuneration under subsection (1) in respect of that period; and, conversely, any payment of remuneration under subsection (1) in respect of a period goes towards discharging any liability of the employer to pay contractual remuneration in respect of that period.

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

63 Complaints to [^{F75}employment tribunals].

- (1) An employee may present a complaint to an [^{F75}employment tribunal] that his employer—
 - (a) has unreasonably refused to permit him to take time off as required by section 61, or
 - (b) has failed to pay the whole or any part of any amount to which the employee is entitled under section 62.
 - (2) An [^{F75}employment tribunal] shall not consider a complaint under this section unless it is presented—
 - (a) before the end of the period of three months beginning with the day on which the time off was taken or on which it is alleged the time off should have been permitted, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.
- [^{F76}(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).]
- (3) Where an [^{F75}employment tribunal] finds a complaint under this section well-founded, the tribunal shall make a declaration to that effect.
 - (4) If the complaint is that the employer has unreasonably refused to permit the employee to take time off, the tribunal shall also order the employer to pay to the employee an amount equal to the remuneration to which he would have been entitled under section 62 if the employer had not refused.
 - (5) If the complaint is that the employer has failed to pay the employee the whole or part of any amount to which he is entitled under section 62, the tribunal shall also order the employer to pay to the employee the amount which it finds due to him.

Textual Amendments

- F75** Words in s. 63(1)–(3) and sidenote to s. 63 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a)(b) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1
- F76** S. 63(2A) substituted (31.12.2020) by The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469), reg. 1(1), Sch. 1 para. 12(16) (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

[^{F77}63A Right to time off for young person [^{F78}in Wales or Scotland] for study or training.

- (1) An employee who—
 - (a) is aged 16 or 17,
 - (b) is not receiving full-time secondary or further education, and
 - (c) has not attained such standard of achievement as is prescribed by regulations made by the Secretary of State,is entitled to be permitted by his employer to take time off during the employee's working hours in order to undertake study or training leading to a relevant qualification.

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(2) In this section—

(a) “ secondary education ”—

(i) in relation to England and Wales, has the same meaning as in the ^{M14} Education Act 1996, and

(ii) in relation to Scotland, has the same meaning as in section 135(2)(b) of the ^{M15} Education (Scotland) Act 1980;

(b) “ further education ”—

(i) in relation to England and Wales, [^{F79}has the same meaning as in the Education Act 1996,] and

(ii) in relation to Scotland, has the same meaning as in section 1(3) of the ^{M16} Further and Higher Education (Scotland) Act 1992; and

(c) “ relevant qualification ” means an external qualification the attainment of which—

(i) would contribute to the attainment of the standard prescribed for the purposes of subsection (1)(c), and

(ii) would be likely to enhance the employee’s employment prospects (whether with his employer or otherwise);

and for the purposes of paragraph (c) “ external qualification ” means an academic or vocational qualification awarded or authenticated by such person or body as may be specified in or under regulations made by the Secretary of State.

(3) An employee who—

(a) satisfies the requirements of paragraphs (a) to (c) of subsection (1), and

(b) is for the time being supplied by his employer to another person (“ the principal ”) to perform work in accordance with a contract made between the employer and the principal,

is entitled to be permitted by the principal to take time off during the employee’s working hours in order to undertake study or training leading to a relevant qualification.

(4) Where an employee—

(a) is aged 18,

(b) is undertaking study or training leading to a relevant qualification, and

(c) began such study or training before attaining that age,

subsections (1) and (3) shall apply to the employee, in relation to that study or training, as if “or 18” were inserted at the end of subsection (1)(a).

(5) The amount of time off which an employee is to be permitted to take under this section, and the occasions on which and any conditions subject to which time off may be so taken, are those that are reasonable in all the circumstances having regard, in particular, to—

(a) the requirements of the employee’s study or training, and

(b) the circumstances of the business of the employer or the principal and the effect of the employee’s time off on the running of that business.

^{F80}(5A) [References in this section to an employee do not include a person to whom Part 1 of the Education and Skills Act 2008 (duty to participate in education or training for 16 and 17 year olds in England) applies, or is treated by section 29 of that Act (extension for person reaching 18) as applying.]

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) Regulations made for the purposes of subsections (1)(c) and (2) may make different provision for different cases, and in particular may make different provision in relation to England, Wales and Scotland respectively.
- (7) References in this section to study or training are references to study or training on the premises of the employer or (as the case may be) principal or elsewhere.
- (8) For the purposes of this section the working hours of an employee shall be taken to be any time when, in accordance with his contract of employment, the employee is required to be at work.]

Textual Amendments

- F77** S. 63A inserted (1.9.1999) by 1998 c. 30, s. 32 (with s. 42(8)); S.I. 1999/987, art. 2
- F78** Words in s. 63A title inserted (28.6.2013) by Education and Skills Act 2008 (c. 25), ss. 39(2), 173(4) (with ss. 62(3)-(6), 64(4)-(6)); S.I. 2013/1204, art. 2(q) (with art. 4)
- F79** Words in s. 63A substituted (1.4.2001) by 2000 c. 21, s. 149, Sch. 9 para. 50, S.I. 2001/654, art. 2(2), Sch. Pt. II (with art. 3)
- F80** S. 63A(5A) inserted (28.6.2013) by Education and Skills Act 2008 (c. 25), ss. 39(2), 173(4) (with ss. 62(3)-(6), 64(4)-(6)); S.I. 2013/1204, art. 2(q) (with art. 4)

Modifications etc. (not altering text)

- C4** S. 63A(1)(c)(2): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, Sch. 1 (with art. 7); S.I. 1998/3178, art. 3
- C5** S. 63A(2)(c) extended (1.9.2001) by S.I. 2001/2801, reg. 5

Marginal Citations

- M14** 1996 c. 56.
- M15** 1980 c. 44.
- M16** 1992 c. 37.

[^{F81} **63B Right to remuneration for time off under section 63A.**

- (1) An employee who is permitted to take time off under section 63A is entitled to be paid remuneration by his employer for the time taken off at the appropriate hourly rate.
- (2) The appropriate hourly rate, in relation to an employee, is the amount of one week's pay divided by the number of normal working hours in a week for that employee when employed under the contract of employment in force on the day when the time off is taken.
- (3) But where the number of normal working hours differs from week to week or over a longer period, the amount of one week's pay shall be divided instead by—
 - (a) the average number of normal working hours calculated by dividing by twelve the total number of the employee's working hours during the period of twelve weeks ending with the last complete week before the day on which the time off is taken, or
 - (b) where the employee has not been employed for a sufficient period to enable the calculation to be made under paragraph (a), a number which fairly represents the number of normal working hours in a week having regard to such of the considerations specified in subsection (4) as are appropriate in the circumstances.

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) The considerations referred to in subsection (3)(b) are—
 - (a) the average number of normal working hours in a week which the employee could expect in accordance with the terms of his contract, and
 - (b) the average number of normal working hours of other employees engaged in relevant comparable employment with the same employer.
- (5) A right to any amount under subsection (1) does not affect any right of an employee in relation to remuneration under his contract of employment (“contractual remuneration”).
- (6) Any contractual remuneration paid to an employee in respect of a period of time off under section 63A goes towards discharging any liability of the employer to pay remuneration under subsection (1) in respect of that period; and, conversely, any payment of remuneration under subsection (1) in respect of a period goes towards discharging any liability of the employer to pay contractual remuneration in respect of that period.]

Textual Amendments

F81 Ss. 63B, 63C inserted (1.9.1999) by 1998 c. 30, s. 33 (with s. 42(8)); S.I. 1999/987, art. 2

^{F82} 63C Complaints to employment tribunals.

- (1) An employee may present a complaint to an employment tribunal that—
 - (a) his employer, or the principal referred to in subsection (3) of section 63A, has unreasonably refused to permit him to take time off as required by that section, or
 - (b) his employer has failed to pay the whole or any part of any amount to which the employee is entitled under section 63B.
- (2) An employment tribunal shall not consider a complaint under this section unless it is presented—
 - (a) before the end of the period of three months beginning with the day on which the time off was taken or on which it is alleged the time off should have been permitted, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

[^{F83}(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).]

- (3) Where an employment tribunal finds a complaint under this section well-founded, the tribunal shall make a declaration to that effect.
- (4) If the complaint is that the employer or the principal has unreasonably refused to permit the employee to take time off, the tribunal shall also order the employer or the principal, as the case may be, to pay to the employee an amount equal to the remuneration to which he would have been entitled under section 63B if the employer or the principal had not refused.

Changes to legislation: Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (5) If the complaint is that the employer has failed to pay the employee the whole or part of any amount to which he is entitled under section 63B, the tribunal shall also order the employer to pay to the employee the amount which it finds due to him.

Textual Amendments

F82 Ss. 63B, 63C inserted (1.9.1999) by 1998 c. 30, [s. 33](#) (with [s. 42\(8\)](#)); S.I. 1999/987, [art. 2](#)

F83 [S. 63C\(2A\)](#) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/469), [reg. 1\(1\)](#), [Sch. 1 para. 12\(17\)](#) (with [reg. 5](#)) (as amended by S.I. 2020/1493, [regs. 1\(1\)](#), [4\(5\)\(6\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation:

Employment Rights Act 1996, Part VI is up to date with all changes known to be in force on or before 14 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Pt. 8A Ch. 1 heading inserted by 2023 c. 46 s. 1(3)
- Pt. 8A Ch. 2 inserted by 2023 c. 46 s. 1(4)
- Pt. 8A Ch. 3 inserted by 2023 c. 46 s. 2
- Pt. 8A Ch. 4 inserted by 2023 c. 46 s. 3(2)
- s. 47H inserted by 2020 c. 7 Sch. 7 para. 9
- s. 47AA inserted by 2008 c. 25 s. 37
- s. 47EA inserted by 2023 c. 46 Sch. para. 4
- s. 47EB inserted by 2023 c. 46 Sch. para. 5
- s. 48(1C) inserted by 2020 c. 7 Sch. 7 para. 10(a)
- s. 48(1C) inserted by 2023 c. 46 Sch. para. 6(2)
- s. 48(1D) inserted by 2023 c. 46 Sch. para. 6(3)
- s. 49(8) inserted by 2020 c. 7 Sch. 7 para. 11(b)
- s. 49(8) inserted by 2023 c. 46 Sch. para. 7(4)
- s. 49C inserted by 2017 c. 16 s. 32(4)
- s. 80A(6A) inserted by 2024 c. 17 s. 1(2)
- s. 80B(6C) inserted by 2024 c. 17 s. 1(3)
- s. 80D(1A) inserted by 2024 c. 17 s. 1(4)(a)
- s. 80D(3) inserted by 2024 c. 17 s. 1(4)(c)
- s. 101B inserted by 2008 c. 25 s. 38
- s. 104H inserted by 2020 c. 7 Sch. 7 para. 14
- s. 104CA inserted by 2023 c. 46 Sch. para. 9
- s. 105(4B) inserted by 2008 c. 25 s. 39(3)
- s. 105(7BC) inserted by 2020 c. 7 Sch. 7 para. 15
- s. 105(7BAA) inserted by 2023 c. 46 Sch. para. 10
- s. 108(3)(gia) inserted by 2023 c. 46 Sch. para. 11
- s. 108(3)(de) inserted by 2008 c. 25 s. 39(4)
- s. 108(3)(gn) inserted by 2020 c. 7 Sch. 7 para. 16
- s. 110(3A) inserted by 2002 c. 22 s. 44
- s. 205A(2)(ba) inserted by 2023 c. 46 Sch. para. 16(2)
- s. 205A(8A) inserted by 2023 c. 46 Sch. para. 16(3)
- s. 225(7)(8) inserted by 2023 c. 46 Sch. para. 17
- s. 227(1)(zb)(zc) inserted by 2023 c. 46 Sch. para. 18

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 8A Ch. 1 heading inserted by 2023 c. 46 s. 1(3)
- Pt. 8A Ch. 2 inserted by 2023 c. 46 s. 1(4)
- Pt. 8A Ch. 3 inserted by 2023 c. 46 s. 2
- Pt. 8A Ch. 4 inserted by 2023 c. 46 s. 3(2)
- s. 47H inserted by 2020 c. 7 Sch. 7 para. 9
- s. 47AA inserted by 2008 c. 25 s. 37
- s. 47EA inserted by 2023 c. 46 Sch. para. 4
- s. 47EB inserted by 2023 c. 46 Sch. para. 5
- s. 48(1C) inserted by 2020 c. 7 Sch. 7 para. 10(a)
- s. 48(1C) inserted by 2023 c. 46 Sch. para. 6(2)
- s. 48(1D) inserted by 2023 c. 46 Sch. para. 6(3)
- s. 49(8) inserted by 2020 c. 7 Sch. 7 para. 11(b)

- s. 49(8) inserted by 2023 c. 46 Sch. para. 7(4)
- s. 49C inserted by 2017 c. 16 s. 32(4)
- s. 80A(6A) inserted by 2024 c. 17 s. 1(2)
- s. 80B(6C) inserted by 2024 c. 17 s. 1(3)
- s. 80D(1A) inserted by 2024 c. 17 s. 1(4)(a)
- s. 80D(3) inserted by 2024 c. 17 s. 1(4)(c)
- s. 101B inserted by 2008 c. 25 s. 38
- s. 104H inserted by 2020 c. 7 Sch. 7 para. 14
- s. 104CA inserted by 2023 c. 46 Sch. para. 9
- s. 105(4B) inserted by 2008 c. 25 s. 39(3)
- s. 105(7BC) inserted by 2020 c. 7 Sch. 7 para. 15
- s. 105(7BAA) inserted by 2023 c. 46 Sch. para. 10
- s. 108(3)(gia) inserted by 2023 c. 46 Sch. para. 11
- s. 108(3)(de) inserted by 2008 c. 25 s. 39(4)
- s. 108(3)(gn) inserted by 2020 c. 7 Sch. 7 para. 16
- s. 110(3A) inserted by 2002 c. 22 s. 44
- s. 205A(2)(ba) inserted by 2023 c. 46 Sch. para. 16(2)
- s. 205A(8A) inserted by 2023 c. 46 Sch. para. 16(3)
- s. 225(7)(8) inserted by 2023 c. 46 Sch. para. 17
- s. 227(1)(zb)(zc) inserted by 2023 c. 46 Sch. para. 18