

**Status:** This version of this cross heading contains provisions that are prospective.  
**Changes to legislation:** There are currently no known outstanding effects for the Neonatal Care (Leave and Pay) Act 2023, Cross Heading: Employment Rights Act 1996. (See end of Document for details)

## SCHEDULE

### NEONATAL CARE LEAVE AND PAY

#### PART 3

##### FURTHER AMENDMENTS TO DO WITH NEONATAL CARE LEAVE AND PAY

PROSPECTIVE

#### *Employment Rights Act 1996*

20 The Employment Rights Act 1996 is amended as follows.

#### **Commencement Information**

**I1** Sch. para. 20 not in force at Royal Assent, see [s. 3\(3\)](#)

21 In section 27 (meaning of “wages”), in subsection (1), after paragraph (cd) insert—  
“(ce) statutory neonatal care pay under Part 12ZE of that Act.”

#### **Commencement Information**

**I2** Sch. para. 21 not in force at Royal Assent, see [s. 3\(3\)](#)

22 In section 47C (leave for family and domestic reasons), in subsection (2), after paragraph (cb) (but before the “or”), insert—  
“(cc) neonatal care leave.”

#### **Commencement Information**

**I3** Sch. para. 22 not in force at Royal Assent, see [s. 3\(3\)](#)

23 In section 75I (rights during and after shared parental leave), in subsection (3)—  
(a) at the end of paragraph (e) omit “and”;  
(b) at the end of paragraph (f) insert “, and  
(g) neonatal care leave.”

#### **Commencement Information**

**I4** Sch. para. 23 not in force at Royal Assent, see [s. 3\(3\)](#)

24 (1) Section 80C (rights during and after paternity leave) is amended as follows.  
(2) In subsection (2), after paragraph (bb) (but before the “and”) insert—  
“(bc) neonatal care leave.”  
(3) In subsection (4), after paragraph (bb) insert—  
“(bc) neonatal care leave.”

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#### Commencement Information

**I5** Sch. para. 24 not in force at Royal Assent, see [s. 3\(3\)](#)

- 25 In section 80EB (rights during and after bereavement leave), in subsection (2)—
- (a) at the end of paragraph (d) omit “and”;
  - (b) at the end of paragraph (e) insert “, and
  - (f) neonatal care leave.”

#### Commencement Information

**I6** Sch. para. 25 not in force at Royal Assent, see [s. 3\(3\)](#)

- 26 (1) Section 88 (liability of employer to pay employee during period of notice: employments with normal working hours) is amended as follows.
- (2) In subsection (1)(c), after “parental bereavement leave,” insert “neonatal care leave,”.
  - (3) In subsection (2), after “statutory parental bereavement pay,” insert “neonatal care pay, statutory neonatal care pay,”.

#### Commencement Information

**I7** Sch. para. 26 not in force at Royal Assent, see [s. 3\(3\)](#)

- 27 (1) Section 89 (effect of notice of termination: employments without normal working hours) is amended as follows.
- (2) In subsection (3)(b), after “parental bereavement leave,” insert “neonatal care leave,”.
  - (3) In subsection (4), after “statutory parental bereavement pay,” insert “neonatal care pay, statutory neonatal care pay,”.

#### Commencement Information

**I8** Sch. para. 27 not in force at Royal Assent, see [s. 3\(3\)](#)

- 28 In section 99 (leave for family reasons), in subsection (3), after paragraph (cb) (but before the “or”), insert—
- “(cc) neonatal care leave,”.

#### Commencement Information

**I9** Sch. para. 28 not in force at Royal Assent, see [s. 3\(3\)](#)

- 29 In section 235 (definitions), in subsection (1)—
- (a) at the appropriate place insert—
 

““neonatal care leave” means leave under section 80EF;”
  - (b) in the definition of “week”, in paragraph (b), after “80EA” insert “, 80EF”.

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### Commencement Information

**I10** Sch. para. 29 not in force at Royal Assent, see [s. 3\(3\)](#)

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