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STATUTORY INSTRUMENTS

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**1996 No. 1919**

**The Employment Rights (Northern Ireland) Order 1996**

[<sup>F1</sup>PART IX

[<sup>F2</sup>CHAPTER III

PATERNITY LEAVE

[<sup>F1</sup>[<sup>F2</sup>Entitlement to [<sup>F3</sup>paternity leave] : birth

**112A.**—(1) The Department 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 Article 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 Article in respect of a child;
- (b) when leave under this Article may be taken.

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

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

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<sup>F4</sup>(4A) Provision under paragraph (2)(b) must secure that, once an employee takes shared parental leave under Article 107E in respect of a child, the employee may not take leave under this Article in respect of the child.]

(5) Regulations under paragraph (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 the child's mother;
- (b) make provision excluding the right to be absent on leave under this Article in respect of a child where more than one child is born as a result of the same pregnancy;
- (c) make provision about how leave under this Article may be taken.

(6) Where more than one child is born as a result of the same pregnancy, the reference in paragraph (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 Article—

“newborn child” includes a child stillborn after twenty-four weeks of pregnancy;

**Status:** Point in time view as at 03/01/2019.

**Changes to legislation:** The Employment Rights (Northern Ireland) Order 1996, Section 112A is up to date with all changes known to be in force on or before 26 July 2024. 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)

“week” means any period of seven days.

[  
<sup>F5</sup>(8) In this Article and Articles 112B, 112BA, 112BAA, 112C and 112E, “specified” means specified for the time being in regulations made under the Article concerned.]]]

- F1** 1999 NI 9
- F2** 2002 NI 2
- F3** Words in art. 112A title substituted (5.4.2015) by [Work and Families Act \(Northern Ireland\) 2015](#) (c. 1), s. 23(1), **Sch. 1 para. 4(9)(a)**; S.R. 2015/86, art. 4(2)(c) (with art. 7(2))
- F4** Art. 112A(4A) inserted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015](#) (c. 1), **ss. 3(6)**, 23(1); S.R. 2015/86, art. 3(1)(c)
- F5** Art. 112A(8) added (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015](#) (c. 1), s. 23(1), **Sch. 1 para. 4(9)(b)**; S.R. 2015/86, art. 3(2)(d)

**Modifications etc. (not altering text)**

- C1** Art. 112A applied (with modifications) (15.3.2015) by [The Employment Rights \(Northern Ireland\) Order 1996 \(Application of Articles 107A, 107B, 107G, 107I, 112A and 112B to Parental Order Cases\) Regulations \(Northern Ireland\) 2015](#) (S.R. 2015/100), reg. 1(1), **Sch. 2**
- C2** Art. 112A amendment to earlier affecting provision S.R. 2015/100, 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. 12**

**Status:**

Point in time view as at 03/01/2019.

**Changes to legislation:**

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