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STATUTORY INSTRUMENTS

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**2006 No. 1947**

**The Work and Families (Northern Ireland) Order 2006**

*Additional paternity leave and pay*

**Additional paternity leave: birth**

5. In Part IX of the Employment Rights Order (which makes provision for leave for family reasons), after Article 112A insert—

**“Entitlement to additional paternity leave: birth**

**112AA.**—(1) The Department may make regulations entitling an employee who satisfies specified conditions—

- (a) as to duration of employment,
- (b) as to relationship with a 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, at a time when the child’s mother satisfies any conditions prescribed under paragraph (2).

(2) The conditions that may be prescribed under this paragraph are conditions relating to any one or more of the following—

- (a) any employment or self-employment of the child’s mother;
- (b) her entitlement (or lack of entitlement) to leave under this Part or to statutory maternity pay or maternity allowance;
- (c) whether, and to what extent, she is exercising or has exercised any such entitlement.

(3) Any regulations under this Article 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.

(4) Provision under paragraph (3)(a) shall secure that an employee is not entitled to more than 26 weeks’ leave in respect of a child.

(5) Provision under paragraph (3)(b) shall secure that leave under this Article—

- (a) may not be taken before the end of a specified period beginning with the date of the child’s birth, but
- (b) must be taken before the end of the period of twelve months beginning with that date.

(6) Paragraphs (4) and (5)(a) do not limit the provision that may be made under paragraph (3) in relation to cases where the child’s mother has died before the end of the period mentioned in paragraph (5)(b).

(7) 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;
  - (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) specify a minimum period which may be taken as leave under this Article;
  - (d) make provision about how leave under this Article may be taken;
  - (e) specify circumstances in which an employee may work for his employer during a period of leave under this Article without bringing the period of leave to an end.
- (8) Where more than one child is born as a result of the same pregnancy, the reference in paragraph (5) 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.
- (9) In this Article "week" means any period of seven days."