

1994 No. 379

**INDUSTRIAL RELATIONS****Maternity (Compulsory Leave) Regulations  
(Northern Ireland) 1994**

*Made* . . . . . 7th October 1994

*Coming into operation* . . . . . 1st November 1994

The Department of Economic Development, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to pregnant workers and/or workers who have recently given birth and/or workers who are breastfeeding, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, hereby makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Maternity (Compulsory Leave) Regulations (Northern Ireland) 1994 and shall come into operation on 1st November 1994.

*Interpretation*

2.—(1) In these Regulations “childbirth” means the birth of a living child or the birth of a child whether living or dead after twenty-four weeks of pregnancy.

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

*Maternity Leave*

3. An employee entitled to maternity leave in accordance with Articles 14 to 32 of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(d) shall not work, or be permitted by her employer to work, during the period of two weeks which commence with the day on which childbirth occurs.

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(a) See S.I. 1994/1887

(b) 1972 c. 68

(c) 1954 c. 33 (N.I.)

(d) S.I. 1976/2147 (N.I. 28); Articles 14 to 32 were substituted by Article 3 of, and Schedule 1 to, S.I. 1993/2668 (N.I. 11)

*Enforcement and offences*

4.—(1) Subject to paragraph (2), the enforcement and offences provisions of the Health and Safety at Work (Northern Ireland) Order 1978(a) and the provisions of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1993(b) shall apply to the prohibition imposed upon an employer by regulation 3 as if the prohibition had been imposed by Regulations made under Article 17 of that Order.

(2) An employer guilty of an offence consisting of a breach of a prohibition imposed on him by regulation 3 shall be liable on summary conviction to a fine not exceeding £100.

Sealed with the Official Seal of the Department of Economic  
Development on 7th October 1994.

(L.S.)

*D. Gibson*

Under Secretary

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(a) S.I. 1978/1039 (N.I. 9); Article 17 was amended by Article 6(2) of S.I. 1992/1728 (N.I. 17)  
(b) S.R. 1993 No. 147

*(This note is not part of the Regulations.)*

These Regulations make provisions which are necessary to give full effect as respects Northern Ireland to Article 8(2) of Council Directive 92/85/EEC (O.J. No. L348, 28.11.92, p. 1). That Article provides that maternity leave must include compulsory maternity leave of at least two weeks allocated before and/or after confinement in accordance with national legislation and/or practice.

Regulation 3 provides that an employee entitled to maternity leave shall not work or be permitted by her employer to work during the period of two weeks beginning with the date on which childbirth occurs.

Regulation 4(1) provides that the enforcement and offences provisions of the Health and Safety at Work (Northern Ireland) Order 1978 and the provisions of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1993 ("the 1993 Regulations") shall apply to the prohibition imposed upon an employer by these Regulations as if the prohibition had been imposed by Regulations made under Article 17 of that Order. The effect of applying the 1993 Regulations to the prohibition will be that the authority responsible for enforcement will be determined in accordance with those Regulations.

Regulation 4(2) provides that an employer who is guilty of an offence consisting of a breach of a prohibition imposed by regulation 3 shall be liable on summary conviction to a fine not exceeding £100.

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### 1994 Nos. 380, 381

These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.