



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART VIII

#### MATERNITY RIGHTS

##### *General right to maternity leave*

#### **74 Requirement to notify commencement of leave.**

- (1) Subject to subsections (4) and (5), an employee does not have the right conferred by section 71 unless she notifies her employer of the date on which she intends her period of absence from work in exercise of the right to commence.
- (2) No date occurring before the beginning of the eleventh week before the expected week of childbirth may be notified under subsection (1).
- (3) Notification under subsection (1) shall be given by an employee—
  - (a) not less than twenty-one days before the date on which she intends her period of absence from work in exercise of the right conferred by section 71 to commence, or
  - (b) if that is not reasonably practicable, as soon as is reasonably practicable.
- (4) Where an employee's maternity leave period commences with the first day after the beginning of the sixth week before the expected week of childbirth on which she is absent from work wholly or partly because of pregnancy—
  - (a) subsection (1) does not require her to notify her employer of the date specified in that subsection, but
  - (b) (whether or not she has notified him of that date) she does not have the right conferred by section 71 unless she notifies him as soon as is reasonably practicable that she is absent from work wholly or partly because of pregnancy.
- (5) Where an employee's maternity leave period commences with the day on which childbirth occurs—

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*Status: Point in time view as at 11/11/1999. This version of this provision has been superseded.*

*Changes to legislation: Employment Rights Act 1996, Section 74 is up to date with all changes known to be in force on or before 28 May 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)*

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- (a) subsection (1) does not require her to notify her employer of the date specified in that subsection, but
  - (b) (whether or not she has notified him of that date) she does not have the right conferred by section 71 unless she notifies him as soon as is reasonably practicable after the birth that she has given birth.
- (6) Any notification required by this section shall, if the employer so requests, be given in writing.

**Status:**

Point in time view as at 11/11/1999. This version of this provision has been superseded.

**Changes to legislation:**

Employment Rights Act 1996, Section 74 is up to date with all changes known to be in force on or before 28 May 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.