



# Employment Rights Act 1996

## 1996 CHAPTER 18

### [<sup>F1</sup>PART VIII

#### <sup>F1</sup>CHAPTER II

#### PARENTAL LEAVE

##### [<sup>F1F2</sup>76 Entitlement to parental leave.

- (1) The Secretary of State shall make regulations entitling an employee who satisfies specified conditions—
  - (a) as to duration of employment, and
  - (b) as to having, or expecting to have, responsibility for a child,to be absent from work on parental leave for the purpose of caring for a child.
- (2) The regulations shall include provision for determining—
  - (a) the extent of an employee's entitlement to parental leave in respect of a child;
  - (b) when parental leave may be taken.
- (3) Provision under subsection (2)(a) shall secure that where an employee is entitled to parental leave in respect of a child he is entitled to a period or total period of leave of at least three months; but this subsection is without prejudice to any provision which may be made by the regulations for cases in which—
  - (a) a person ceases to satisfy conditions under subsection (1);
  - (b) an entitlement to parental leave is transferred.
- (4) Provision under subsection (2)(b) may, in particular, refer to—
  - (a) a child's age, or
  - (b) a specified period of time starting from a specified event.
- (5) Regulations under subsection (1) may—
  - (a) specify things which are, or are not, to be taken as done for the purpose of caring for a child;

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**Status:** Point in time view as at 01/04/2014.

**Changes to legislation:** Employment Rights Act 1996, Section 76 is up to date with all changes known to be in force on or before 30 June 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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- (b) require parental leave to be taken as a single period of absence in all cases or in specified cases;
- (c) require parental leave to be taken as a series of periods of absence in all cases or in specified cases;
- (d) require all or specified parts of a period of parental leave to be taken at or by specified times;
- (e) make provision about the postponement by an employer of a period of parental leave which an employee wishes to take;
- (f) specify a minimum or maximum period of absence which may be taken as part of a period of parental leave.
- (g) specify a maximum aggregate of periods of parental leave which may be taken during a specified period of time.]

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#### Textual Amendments

- F1** Pt. 8 (ss. 71-80) substituted for Pt. 8 (ss. 71-85) (15.12.1999) by 1999 c. 26, s. 7, **Sch. 4 Pt. 1**; S.I. 1999/2830, art. 2(1)(2), **Sch. 1 Pt. 2** (with transitional provisions in **Sch. 3 para. 10**)
- F2** Pt. VIII (ss. 71-80) substituted for Pt. VIII (ss. 71-85) (15.12.1999) by 1999 c. 26, s. 7, **Sch. 4 Pt. I**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with **Sch. 3 para. 10**)

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