



Employment Rights Act 1996

1996 CHAPTER 18

[^{F1}PART VIII]

[^{F1}CHAPTER 3

PATERNITY LEAVE

[^{F1}] [^{F2}80AA] **Entitlement to additional paternity leave: birth**

- (1) The Secretary of State 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 section for the purpose of caring for the child, at a time when the child's mother satisfies any conditions prescribed under subsection (2).
- (2) The conditions that may be prescribed under this subsection 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 section shall include provision for determining—
- (a) the extent of an employee's entitlement to leave under this section in respect of a child;
 - (b) when leave under this section may be taken.

Status: Point in time view as at 06/04/2010. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 80AA 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)

- (4) Provision under subsection (3)(a) shall secure that an employee is not entitled to more than 26 weeks' leave in respect of a child.
- (5) Provision under subsection (3)(b) shall secure that leave under this section—
- (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) Subsections (4) and (5)(a) do not limit the provision that may be made under subsection (3) in relation to cases where the child's mother has died before the end of the period mentioned in subsection (5)(b).
- (7) 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;
 - (b) make provision excluding the right to be absent on leave under this section 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 section;
 - (d) make provision about how leave under this section may be taken;
 - (e) specify circumstances in which an employee may work for his employer during a period of leave under this section 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 subsection (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 section “week” means any period of seven days.]]

Textual Amendments

F1 Pt. 8 Ch. 3 inserted (8.12.2002) by [Employment Act 2002 \(c. 22\)](#), **s. 1**; S.I. 2002/2866, **art. 2(2)**, Sch. 1 Pt. 2

F2 [S. 80AA](#) inserted (3.3.2010.) by [Work and Families Act 2006 \(c. 18\)](#), **ss. 3, 19**; S.I. 2010/495, **art. 3(a)**

Status:

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