
WELSH STATUTORY INSTRUMENTS

2013 No. 2901

The Family Absence for Members of Local
Authorities (Wales) Regulations 2013

PART 2

Newborn absence

Prescribed conditions

9.—(1) For the purposes of section 25(1) of the Measure, the prescribed conditions are that the member—

- (a) is either—
 - (i) the child’s father and has, or expects to have, responsibility for the upbringing of the child; or
 - (ii) married to, the civil partner or the partner of the child’s mother, but is not the child’s father and has, or expects to have the main responsibility (apart from any responsibility of the mother) for the upbringing of the child; and
- (b) gives the head of democratic services written notice of the date the member intends the period of newborn absence to start.

(2) A member is to be treated as having satisfied the condition in paragraph (1)(a)(ii) if that member would have satisfied the condition but for the fact that the child’s mother has died.

(3) A member is to be treated as having satisfied either of the conditions in paragraph (1)(a) if they would have satisfied the condition but for the fact that the child was stillborn after 24 weeks of pregnancy or has died.

Commencement Information

11 Reg. 9 in force at 5.12.2013, see [reg. 1\(2\)](#)

Extent of entitlement to newborn absence

10.—(1) A member’s entitlement to newborn absence is two consecutive weeks.

(2) Where more than one child is born as a result of the same pregnancy, a member is entitled to newborn absence only in respect of the first child born.

Commencement Information

12 Reg. 10 in force at 5.12.2013, see [reg. 1\(2\)](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Family Absence for Members of Local Authorities (Wales) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

When newborn absence may be taken

11. Newborn absence may only be taken during the period—
- (a) beginning with the date of childbirth; and
 - (b) ending 56 days after that date.

Commencement Information

I3 Reg. 11 in force at 5.12.2013, see [reg. 1\(2\)](#)

Cancelling newborn absence

12. The circumstances in which a member may cancel a period of newborn absence are that—
- (a) the period of newborn absence has not yet started; and
 - (b) the member has notified the head of democratic services in writing of their intention to cancel the absence.

Commencement Information

I4 Reg. 12 in force at 5.12.2013, see [reg. 1\(2\)](#)

Member to choose start date of newborn absence

13. Provided that the period of newborn absence will come to an end within the period prescribed by regulation 11, a member may choose the date on which their newborn absence is to start.

Commencement Information

I5 Reg. 13 in force at 5.12.2013, see [reg. 1\(2\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg. 17A](#) inserted by [S.I. 2021/243 reg. 2\(6\)](#)