

Paternity Leave (Bereavement) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Business and Trade, with the consent of Baroness Anderson of Stoke-on-Trent, the Member in charge of the Bill, have been ordered to be published as HL Bill 70—EN.

Paternity Leave (Bereavement) Bill

[AS BROUGHT FROM THE COMMONS]

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[AS BROUGHT FROM THE COMMONS]

A

B I L L

TO

Make provision about paternity leave in cases where a mother, or a person with whom a child is placed or expected to be placed for adoption, dies.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Paternity leave: special provision in cases of bereavement

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 80A (entitlement to paternity leave: birth), after subsection (6) insert—
- “(6A) In relation to cases where a child’s mother dies, this section has effect as if—
- (a) subsection (1)(a) were omitted;
- (b) after subsection (1) there were inserted—
- “(1A) But in a case where both the child and the mother die, the regulations may provide that an employee who satisfies those conditions is entitled to leave under this section despite the fact that the leave cannot be taken for that purpose.”;
- (c) subsection (4A) were omitted.”
- (3) In section 80B (entitlement to paternity leave: adoption), after subsection (6B) insert—
- “(6C) In relation to cases where a person with whom a child is placed or expected to be placed for adoption dies, this section has effect as if—
- (a) subsection (1)(a) were omitted;
- (b) after subsection (1) there were inserted—
- “(1A) But in a case where that person dies and the child—
- (a) dies, or
- (b) is, having been placed for adoption, returned, the regulations may provide that an employee who satisfies those conditions is entitled to leave under this

- section despite the fact that the leave cannot be taken
for that purpose.”;
- (c) subsection (4A) were omitted.”
- (4) In section 80D (special cases) –
- (a) after subsection (1) insert – 5
- “(1A) Regulations under section 80A or 80B may –
- (a) make provision specifying circumstances in which a bereaved employee may work for the employer during a period of leave under that section without bringing the particular period of leave, or the employee’s entitlement to leave under that section, to an end; 10
- (b) make provision about redundancy of a bereaved employee after a period of leave under that section.”;
- (b) in subsection (2), after “subsection (1)” insert “or (1A)(b)”;
- (c) after subsection (2) insert – 15
- “(3) In subsection (1A), “bereaved employee” means an employee who –
- (a) takes leave under section 80A in a case where the child’s mother dies, or
- (b) takes leave under section 80B in a case where a person with whom the child is placed or expected to be placed for adoption dies.” 20

2 Extent, commencement and short title

- (1) This Act extends to England and Wales and Scotland.
- (2) This Act comes into force on such day as the Secretary of State may by regulations appoint. 25
- (3) Regulations under subsection (2) are to be made by statutory instrument.
- (4) This Act may be cited as the Paternity Leave (Bereavement) Act 2024.

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