Draft Regulations laid before the Assembly under section 172(7B) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and Article 251(1B) of the Employment Rights (Northern Ireland) Order 1996, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2026 No. 000

EMPLOYMENT

PARENTAL BEREAVEMENT

The Parental Bereavement Leave and Pay (Miscarriage) Regulations (Northern Ireland) 2026

Laid before the Assembly in draft

Made - - - - 2026

Coming into operation in accordance with regulation 1

The Department for the Economy(**a**) makes the following Regulations in exercise of the powers conferred by section 167ZZ19 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**b**) and Article 112EF of the Employment Rights (Northern Ireland) Order 1996(**c**).

PART 1

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Parental Bereavement Leave and Pay (Miscarriage) Regulations (Northern Ireland) 2026 and shall come into operation on the day after the day on which they are made.

(2) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these Regulations as it applies to an Act of the Assembly.

Application

2. The amendments to the Statutory Parental Bereavement Pay (General) (No. 2) Regulations (Northern Ireland) 2023 in Part 2 of these Regulations and the amendments to the Parental

(**a**) The Department for Employment and Learning was dissolved by section 1(10) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)). Its functions under the Employment Rights (Northern Ireland) Order, were transferred to the Department for the Economy by the Departments (Transfer of Functions) Order (Northern Ireland) 2016, Article 6(1)(c)

(**b**) 1992 c. 7; sections 167ZZ19 and 172(7B) were inserted by the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5 (N.I.)

(**c**) S.I. 1996/1919 (N.I. 16), Articles 112EF and 251(1B) were inserted by 2022 c. 5, section 1

(**d**) 1954 c. 33 (N.I.)

Bereavement Leave (No. 2) Regulations (Northern Ireland) 2023 in Part 3 of these Regulations have effect only in relation to miscarriages experienced or detected on or after 6th April 2026.

PART 2

Amendments to the Statutory Parental Bereavement Pay (General) (No. 2) Regulations

3.—(1) The Statutory Parental Bereavement Pay (General) (No. 2) Regulations (Northern Ireland) 2023(**a**) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (application), after "6th April 2022" insert " and to cases where a woman experiences a miscarriage and becomes aware of it on or after 6th April 2026".

(3) In regulation 3 (interpretation)—

(a) after the definition of "the Commissioners" insert—

""the first day of bereavement" means—

(a) the date of C's death, or

(b) the date that S experienced the miscarriage or became aware that she had experienced a miscarriage.";

(b) in the definition of "intended parent" before sub-paragraph (a) insert—

"(aa) but for the occurrence of a miscarriage, would have intended to meet the requirements of sub-paragraphs (a) and (b);";

(c) after the definition of "relevant domestic authority" insert—

""S" means a woman who has experienced a miscarriage;"; and

(d) for the definition of "week of C's death" substitute—

""week of the bereavement" means the week, beginning with a Sunday, in which either C died or the woman experienced the miscarriage or became aware of the miscarriage."

(4) After regulation 4 (conditions of entitlement to statutory parental bereavement pay) insert—

"Application of entitlement to statutory parental bereavement pay for cases of miscarriage

4A.—(1) Part 12ZD of the 1992 Act (Statutory Parental Bereavement Pay) and regulations under it, including these regulations, apply to a woman who has experienced a miscarriage as they apply in relation to a bereaved parent as set out in section 167ZZ9 (entitlement) with such modifications as are specified in these regulations.

(2) For the purpose of these regulations, it is to be determined that a woman has experienced a miscarriage if either of the following conditions are met—

(a) the woman has experienced spontaneous loss of a pregnancy before the completion of 24 weeks of gestation; or

(b) the woman has experienced the loss of a pregnancy because of a medical intervention following assessment by a medical professional, that was necessary to protect the physical or mental health of the pregnant woman, or to address a fatal fetal abnormality or a severe fetal impairment.

(3) Part 12ZD of the 1992 Act (Statutory Parental Bereavement Pay) and regulations under it, also apply to persons who satisfy one of the following conditions as to their relationship with the woman who experienced a miscarriage if either of the following conditions are met—

(**a**) S.R. 2023 No. 155

(a) the person, but for the occurrence of the miscarriage experienced by S, would have been the biological or intended parent of the child expected from S's pregnancy; or

(b) the person is the current partner of S.

(4) In this regulation—

(a) "Partner" means either a person (whether of a different or the same sex), who is in an enduring family relationship with S but is not a relative of S of a kind specified in sub-paragraph (b);

(b) the relatives of S referred to in sub-paragraph (a) are S's child, parent, grandparent, sister, brother, aunt or uncle;

(c) references to relationships in sub-paragraph (b)—

(i) are to relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for the adoption; and

(ii) include the relationship of a child with adoptive, or former adoptive, parents;

but do not include any other adoptive relationships.".

(5) In regulation 7 (qualifying period) for "the date of C's death" substitute "the first day of bereavement".

(6) In regulation 8 (notice and evidence requirements for statutory parental bereavement pay)—

(a) In sub-paragraph (2)(a) after "and" insert " either,";

(b) In sub-paragraph (2)(b) for "." substitute ", or"

(c) After sub-paragraph (2)(b) insert—

"(c) a declaration that the person meets one of the conditions prescribed in regulation 4A(2) or (3).";

(d) In sub-paragraph (3)(b) for "the date of C's death" substitute "the first day of bereavement";

(e) for paragraph (5) substitute —

"(5) The relevant declaration referred to in either, paragraph 2(b) or 2(c), must be provided at the same time as a notice is first given under paragraph (1) in respect of the first day of bereavement."; and

(f) in paragraph (9) for "the date of C's death" substitute "the first day of bereavement".

(7) In regulation 10 (work during period of payment of statutory parental bereavement pay), in sub-paragraph (1)(b), for "C's death" substitute "the bereavement".

PART 3

Amendments to the Leave Regulations

Amendment to the Parental Bereavement Leave (No. 2) Regulations

4.—(1) The Parental Bereavement Leave (No. 2) Regulations (Northern Ireland) 2023(**a**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (application), after "6th April 2022" insert " and to cases where a woman experiences a miscarriage and becomes aware of it on or after 6th April 2026".

(3) in regulation 3 (interpretation)—

(a) after the definition of "C" insert—

""the first day of bereavement" means—

(**a**) S.R. 2023 No. 156

(a) the date of C's death, or

(b) the date that S experienced the miscarriage or became aware that she had experienced a miscarriage.";

(b) in the definition of "intended parent" before sub-paragraph (a) insert—

"(aa) but for the occurrence of a miscarriage, would have intended to meet the requirements of sub-paragraphs (a) and (b);";

(c) after the definition of "relevant domestic authority" insert—

""S" means a woman who has experienced a miscarriage;".

(4) After regulation 4 (entitlement to parental bereavement leave), insert—

"Application of entitlement to parental bereavement leave for cases of miscarriage

4A.—(1) Chapter 4 of the 1996 Order (Parental Bereavement Leave) and regulations under it, including these regulations, apply to a woman who has experienced a miscarriage as they apply in relation to a bereaved parent as set out in that Chapter with such modifications as are specified in these regulations.

(2) For the purpose of these regulations, it is to be determined that a woman has experienced a miscarriage if either of the following conditions are met—

(a) the woman has experienced spontaneous loss of a pregnancy before the completion of 24 weeks of gestation; or

(b) the woman has experienced the loss of a pregnancy because of a medical intervention following assessment by a medical professional, that was necessary to protect the physical or mental health of the pregnant woman, or to address a fatal fetal abnormality or a severe fetal impairment.

(3) Chapter 4 of the 1996 Order (Parental Bereavement Leave) and regulations under it, also apply to persons who satisfy one of the following conditions as to their relationship with the woman who experienced a miscarriage if either of the following conditions are met—

(a) the person, but for the occurrence of the miscarriage experienced by S, would have been the biological or intended parent of the child expected from S's pregnancy; or

(b) the person is the current partner of S.

(4) In this regulation—

(a) "Partner" means either a person (whether of a different or the same sex), who is in an enduring family relationship with S but is not a relative of S of a kind specified in sub-paragraph (b);

(b) the relatives of S referred to in sub-paragraph (a) are S's child, parent, grandparent, sister, brother, aunt or uncle;

(c) references to relationships in sub-paragraph (b)—

(i) are to relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for the adoption; and

(ii) include the relationship of a child with adoptive, or former adoptive, parents;

but do not include any other adoptive relationships.".

(5) In regulation 5 (options in respect of parental bereavement leave), in paragraph (4), for "the date of C's death" substitute "the first day of bereavement".

(6) In regulation 6 (notice requirement for parental bereavement leave)—

(a) In sub-paragraph (1)(a), for "the date of C's death" substitute "the first day of bereavement"; and

(b) In paragraph (6), for "the date of C's death" substitute "the first day of bereavement".

Sealed with the Official Seal of the Department for the Economy on 00 Month 2026.

Name
Minister for the Economy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are provided under a statutory requirement imposed by the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c.5) and are made in exercise of the powers inserted into the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c.7) (the "1992 Act") and the Employment Rights (Northern Ireland) Order 1996 (N.I. 16) (the "1996 Order") by the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022.

The amendments made by these Regulations extend the application of both the Statutory Parental Bereavement Pay (General) (No. 2) Regulations (Northern Ireland) 2023 (the Pay Regulations) and the Parental Bereavement Leave (No. 2) Regulations (Northern Ireland) 2023 (the Leave Regulations) to include cases where a woman experiences a miscarriage and becomes aware of it on or after 6 April 2026. The amendments also introduce new definitions to facilitate the inclusion of miscarriage within parental bereavement leave and pay, including "first day of bereavement" (covering the date of a child's death or the date of miscarriage) and "week of the bereavement" (the week in which the death or miscarriage occurred).

The Regulations amend both the Leave Regulations and the Pay Regulations to include a new regulation 4A respectively. The amendments ensure that the entitlement provisions of both Part 12ZD of the 1992 Act and Chapter 4 of the 1996 Order apply to eligible employees who have experienced a miscarriage within the specified conditions. For these purposes, a miscarriage is specified to include either a spontaneous loss of a pregnancy before 24 weeks of gestation or the loss of a pregnancy following a medical intervention that was necessary to protect the pregnant woman's physical or mental health, or to address a fatal fetal abnormality or severe fetal impairment.

The Regulations also extend entitlement so that the rights under parental bereavement leave and pay are available to eligible employees who, but for the miscarriage, would have been the biological or intended parent of the expected child, and to those eligible employees who are the current partner of the woman who experienced the miscarriage.

The Regulations also make the appropriate consequential amendments to the Leave Regulations and the Pay Regulations to reflect the inclusion of miscarriage within the entitlements to parental bereavement leave and pay.

An impact assessment has been prepared for these Regulations which was published on "DATE" and is available from the Department for the Economy at "https://www.economy-ni.gov.uk/publications/regulatory-impact-assessment-enhancements-parental-bereavement-leave-and-pay-include-miscarriage-criterion-and-introduce-day-one".

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