STATUTORY INSTRUMENTS

2026 No. 15

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Rights Act 2025 (Parental and Paternity Leave) (Removal of Qualifying Periods etc.) (Consequential Amendments) Regulations 2026

Made - - - -	*6th January 2026*
Laid before Parliament	*12th January 2026*
Coming into force in accordance with regulation 1(2) and (3)	

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 154(1) and (2) and 156(3) of the Employment Rights Act 2025(**a**).

PART 1
General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Employment Rights Act 2025 (Parental and Paternity Leave) (Removal of Qualifying Periods etc.) (Consequential Amendments) Regulations 2026.

(2) The following provisions of these Regulations come into force on 18th February 2026—

(a) this regulation and regulations 2 and 3;

(b) regulations 4 and 5 to the extent necessary for the giving of any notices and evidence under Schedule 2 to the 1999 Regulations by or to an employee who becomes entitled to take parental leave on or after 6th April 2026 as a result of section 15 of the 2025 Act (parental leave: removal of qualifying period of employment) coming fully into force;

(c) regulations 6 to 8, to the extent necessary for the giving of any notices and evidence under regulations made under section 80A or 80B of the 1996 Act(**b**) by or to an

(**a**) 2025 c. 36.

(**b**) Sections 80A and 80B were inserted into the Employment Rights Act 1996 (c. 18) ("the 1996 Act") by section 1 of the Employment Act 2002 (c. 22). Section 80A was amended by paragraph 35 of Schedule 1 to the Work and Families Act 2006 (c. 18), by section 118(6) of, and paragraph 32 of Schedule 7 to, the Children and Families Act 2014 (c. 6) ("the 2014 Act"), by section 1(1) and (2) of the Paternity Leave (Bereavement) Act 2024 (c. 17) ("the 2024 Act") and by sections 16(1) and 17(1) of the Employment Rights Act 2025 (c. 36) ("the 2025 Act") and applied with modifications by S.I. 2014/3095 (amended by S.I. 2018/1413) to cases which involve an employee who has applied, or intends to apply, with another person for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 (c. 22) and a child who is, or will be, the subject of the order ("parental order cases"). Section 80B was amended by

employee who becomes entitled to take paternity leave on or after 6th April 2026 as a result of section 16 of the 2025 Act (paternity leave: removal of qualifying period of employment) coming fully into force;

(d) regulations 6 to 8 and 10 to 14, in relation to cases where a child's mother dies or where a person with whom a child is placed or expected to be placed for adoption dies (see sections 80A(6A) and 80B(6C) of the 1996 Act);

(e) regulation 9.

(3) In so far as they are not already in force, these Regulations come into force on 6th April 2026.

(4) These Regulations extend to England and Wales and Scotland.

Interpretation

2. In these Regulations—

"the 1996 Act" means the Employment Rights Act 1996(**a**);

"the 1999 Regulations" means the Maternity and Parental Leave etc. Regulations 1999(**b**);

"the 2002 Regulations" means the Paternity and Adoption Leave Regulations 2002(**c**);

"the 2003 Regulations" means the Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003(**d**);

"the 2014 Regulations" means the Paternity, Adoption and Shared Parental Leave (Parental Order Cases) Regulations 2014(**e**);

"the 2025 Act" means the Employment Rights Act 2025;

"expected week", in relation to the birth of a child, means the week, beginning with midnight between Saturday and Sunday, in which it is expected that the child will be born;

"parental leave" means leave under regulation 13(1) of the 1999 Regulations;

"paternity leave" means leave under section 80A or 80B of the 1996 Act.

Application

3.—(1) The provisions relating to paternity leave (birth) under regulations 6(2), 10(3) and 12 and to paternity leave (parental order cases) under regulations 8 and 14 have no effect in relation to children born before 6th April 2026.

(2) The provisions relating to paternity leave (adoption) under regulations 6(3) and 10(4) have no effect in relation to children placed for adoption before 6th April 2026.

(3) The provisions relating to paternity leave (adoption from overseas) under regulations 7, 11 and 13 have no effect where the adopter's child enters Great Britain before 6th April 2026.

---

sections 118(7), 121(2), 122(4), 128(2)(b) of, and paragraph 33 of Schedule 7 to, the 2014 Act, by section 1(1) and (3) of the 2024 Act, by sections 16(2) and 17(2) of the 2025 Act and by S.I. 2016/413 (W. 131), and applied with modifications by S.I. 2003/920 to cases which involve adoption, but not the placement of a child for adoption under the law of any part of the United Kingdom, and by S.I. 2014/3095 to parental order cases.

(**a**) 1996 c. 18.

(**b**) S.I. 1999/3312, as amended by S.I. 2001/4010 and 2014/3221. There are other amending instruments, but none is relevant.

(**c**) S.I. 2002/2788, as amended by S.I. 2005/2114, 2014/2112 and 2014/3206. There are other amending instruments, but none is relevant.

(**d**) S.I. 2003/921, as amended by S.I. 2005/2114, 2014/3092 and 2024/329. There are other amending instruments, but none is relevant.

(**e**) S.I. 2014/3096, as amended by S.I. 2018/1413 and 2024/329. There are other amending instruments, but none is relevant.

(4) Paragraph (1) does not apply where the child's expected week of birth begins on or after 5th April 2026.

(5) Paragraphs (1) to (3) do not apply where the child's primary carer dies on or after 6th April 2026.

(6) In this regulation—

"adopter"—

(a) in relation to children who are placed for adoption, has the same meaning as in regulation 2(1) of the 2002 Regulations;

(b) in relation to adoption from overseas, has the same meaning as in regulation 4(2)(a) of the 2003 Regulations;

"adoption from overseas" has the same meaning as in regulation (4)(2)(b) of the 2003 Regulations;

"enter Great Britain" has the same meaning as in regulation (4)(2)(b) of the 2003 Regulations;

"parental order case" means a case where a person applies, or intends to apply during the period of 6 months from the day of a child's birth, for an order under section 54 of the Human Fertilisation and Embryology Act 2008(**a**) in respect of the child;

"placed for adoption" has the same meaning as in regulation 2(1) of the 2002 Regulations;

"primary carer", in relation to a child means—

(a) in a case where the mother of the child dies, the child's mother;

(b) in a case where a child is placed or expected to be placed for adoption under the law of any part of the United Kingdom or the child is being adopted from overseas, the child's adopter;

(c) in a parental order case, the person—

(i) on whose application the court has made an order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the child, or

(ii) who applies, or intends to apply, during the period of 6 months beginning with the day of the child's birth, with another person for such an order in respect of the child, and expects the court to make that order, and

who has elected to be the child's primary carer, by agreement with the person with whom they applied, or intend to apply, for that order.

PART 2

Consequential amendments in relation to section 15 of the 2025 Act (parental leave: removal of qualifying period of employment)

Amendment of the 1999 Regulations

4.—(1) The 1999 Regulations are amended as follows.

(2) In regulation 13(1) (entitlement to parental leave), omit sub-paragraph (a) and the "and" immediately following it.

(3) In Schedule 2 (default provisions in respect of parental leave), in paragraph 9—

(**a**) 2008 c. 22. Section 54 has been amended on a number of occasions but none of those amendments are relevant to these Regulations.

(a) in sub-paragraph (a), omit "except where sub-paragraph (b) applies,";

(b) omit "or" at the end of sub-paragraph (a);

(c) omit sub-paragraph (b).

Amendment of the Maternity and Parental Leave (Amendment) Regulations 2001

5. In regulation 3 of the Maternity and Parental Leave (Amendment) Regulations 2001 (amendment of regulation 13 of the 1999 Regulations)(**a**), omit paragraph (a).

PART 3

Consequential amendments and transitional provision in relation to section 16 of the 2025 Act (paternity leave: removal of qualifying period of employment)

Amendment of the 2002 Regulations

6.—(1) The 2002 Regulations are amended as follows.

(2) In regulation 4 (entitlement to paternity leave: birth)—

(a) in paragraph (2), omit sub-paragraph (a);

(b) omit paragraph (3).

(3) In regulation 8 (entitlement to paternity leave: adoption)—

(a) in paragraph (2), omit sub-paragraph (a);

(b) omit paragraph (3).

Amendment of the 2003 Regulations

7.—(1) Regulation 7 of the 2003 Regulations (entitlement to paternity leave: adoption from overseas) is amended as follows.

(2) In the substituted regulation 8 of the 2002 Regulations—

(a) in paragraph (2), omit sub-paragraph (b);

(b) omit paragraph (3).

(3) In the substituted regulation 10 of the 2002 Regulations, for paragraph (3)(a) and the "or" after it substitute—

"(a) no more than 28 days after the date on which the adopter of the child receives the official notification, or".

Amendment of the 2014 Regulations

8. In regulation 9 of the 2014 Regulations (modification of regulation 8 of the 2002 Regulations)—

(a) omit paragraph (b);

(b) omit paragraph (h).

Transitional provision in relation to the giving of notices for paternity leave

9.—(1) This paragraph applies to an employee who becomes entitled to take paternity leave on or after 6th April 2026 only—

(**a**) S.I. 2001/4010.

(a) as a result of section 16 of the 2025 Act coming fully into force, and

(b) in relation to a child whose expected week of birth falls during the period beginning with 5th April 2026 and ending on 25th July 2026.

(2) In relation to any employee to whom paragraph (1) applies who would be entitled to paternity leave under regulation 4 of the 2002 Regulations, regulation 6 of the 2002 Regulations (notice and evidential requirements for leave under regulation 4) is to be read as if—

(a) paragraph (3) were omitted;

(b) in paragraph (4), for "The notice and declarations in paragraph (2)" there were substituted "The notices and declarations in paragraphs (1) and (2)".

(3) In relation to any employee to whom paragraph (1) applies who would be entitled to paternity leave under regulation 8 of the 2002 Regulations (entitlement to paternity leave: adoption) as applied with modifications by regulations 3(1) and 9 of the 2014 Regulations, regulation 10 of the 2002 Regulations (notice and evidential requirements for leave under regulation 8) as modified by regulation 11 of the 2014 Regulations is to be read as if—

(a) paragraph (3) were omitted;

(b) in paragraph (4), for "The notice and declarations in paragraph (2)" there were substituted "The notices and declarations in paragraphs (1) and (2)".

PART 4

Consequential amendments in relation to section 17 of the 2025 Act (ability to take paternity leave following shared parental leave)

Amendment of the 2002 Regulations

10.—(1) The 2002 Regulations are amended as follows.

(2) In regulation 2(1) (interpretation), omit the definition of "shared parental leave".

(3) In regulation 4 (entitlement to paternity leave: birth)—

(a) in paragraph (1), for "Subject to paragraph (1A), an" substitute "An";

(b) omit paragraph (1A).

(4) In regulation 8(1A) (entitlement to paternity leave: adoption), omit sub-paragraph (a).

Amendment of the 2003 Regulations

11. In regulation 7 of the 2003 Regulations (entitlement to paternity leave: adoption from overseas), in the substituted regulation 8 of the 2002 Regulations—

(a) in paragraph (1), for "Subject to paragraph (1A), an" substitute "An";

(b) omit paragraph (1A).

Amendment of the Paternity and Adoption Leave (Amendment) Regulations 2014

12.—(1) The Paternity and Adoption Leave (Amendment) Regulations 2014(**a**) are amended as follows.

(2) In regulation 3(a) (amendment of regulation 2 of the 2002 Regulations), omit sub-paragraph (ii).

(3) Omit regulation 4 (amendment of regulation 4 of the 2002 Regulations).

(**a**) S.I. 2014/2112.

Amendment of the Shared Parental Leave and Paternity and Adoption Leave (Adoptions from Overseas) Regulations 2014

13. In the Shared Parental Leave and Paternity and Adoption Leave (Adoptions from Overseas) Regulations 2014(**a**), omit regulation 24 (amendment of regulation 7 of the Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003).

Amendment of the 2014 Regulations

14. In regulation 8 of the 2014 Regulations (modification of regulation 4 of the 2002 Regulations), in the modified wording for regulation 4(1A) of the 2002 Regulations, omit sub-paragraph (a).

Kate Dearden
Parliamentary Under-Secretary of State
Department for Business and Trade

6th January 2026

(**a**) S.I. 2014/3092. There are amendments to this instrument, but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to a number of instruments that are consequential on sections 15, 16 and 17 of the Employment Rights Act 2025 (c. 36) ("the 2025 Act"). They also make transitional provision for the giving of notices for paternity leave related to the changes made by section 16 of the 2025 Act.

Section 15 of the 2025 Act amends section 76 of the Employment Rights Act 1996 (c. 18) ("the 1996 Act"). It removes provision for regulations to require an employee to be continuously employed for a specified period of time before they are entitled to be absent from work on parental leave.

Similarly, section 16 of the 2025 Act amends sections 80A and 80B of the 1996 Act, to remove provision for regulations to require an employee to be continuously employed for a specified period of time before they are entitled to be absent from work on paternity leave following the birth or adoption of a child.

Section 17 of the 2025 Act makes amendments to sections 80A and 80B of the 1996 Act and section 171ZE of the Social Security Contributions and Benefits Act 1992 (c. 4), to remove restrictions on taking paternity leave after having taken shared parental leave and on receiving statutory paternity pay after having received statutory shared parental pay or taken shared parental leave.

Regulations 4 to 8 and 10 to 14 make consequential amendments to a number of instruments relating to parental leave and paternity leave which gave effect to sections 76, 80A and 80B of the 1996 Act. Regulation 9 makes transitional provision for the giving of notices in cases where an employee becomes entitled to be absent from work on paternity leave as a result of section 16 of the 2025 Act coming fully into force.

An impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sectors is foreseen. The impact assessments for the Employment Rights Bill, introduced to Parliament on 10th October 2024, contain an assessment of the effect that the reforms to employment law and industrial relations law will have on the costs of business, the voluntary sector and the public sector. They are available at: https://bills.parliament.uk/bills/3737/publications. Printed copies can be obtained from the Department for Business and Trade, Old Admiralty Building, Admiralty Place, London SW1A 2DY.

© Crown Copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-827832-3

£8.90

http://www.legislation.gov.uk/id/uksi/2026/15