



Northern Ireland Assembly

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

Following the passage of the Parental Bereavement (Leave and Pay) Act (NI) 2022, the Department for the Economy undertook a consultation in 2022 on providing miscarriage leave and pay.

The Act requires that the miscarriage leave provisions are commenced by 6 April 2026. The Department intends to lay a related statutory rule. Officials briefed the Economy Committee on the proposed rule on 28 January 2026.

The Committee agreed to launch a call for views which closed on 11 February 2026. A small number of responses were received.

Citizen Space Responses

One respondent suggested that a qualifying period for new employees was required and that employees should be required to take miscarriage leave at the time of the event and not up to 56 weeks later.

The Department advised that this statutory requirement was established and agreed upon by the Assembly during the amending stages of the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022. The right to the leave element of parental bereavement leave has been a day one right since 2022, this leave right is in line with the approach taken for other family leave rights. The miscarriage criterion will be included in this leave right from 6 April 2026. The Department also advised that the 56 week period aligns with how the scheme currently works for cases of child death under 18 and stillbirths, this ensures a consistent approach to the scheme in its entirety and does not create a hierarchy of bereavement entitlements. In a case where the leave is being taken from the 9th week of entitlement, the employee must give 1 weeks' notice to their employer.

Clarity was sought as to whether multiple miscarriages would lead to the same number of leave periods in the 56 week period.

The Department advised that as with the current scheme for child death under 18 and stillbirths, each instance of entitlement will have its own 56 week window for the employee to take the right. The legislation does not prevent a person from having multiple periods of the leave, this aligns to how the scheme

currently operates where each death a of child or stillbirth is linked to a separate 56 window of entitlement.

Clarity was also sought as to whether a current partner and a previous biological father could both obtain leave for the same miscarriage event.

The Department advised that yes, both the current partner and biological father would be able to avail of the leave rights given their connection to the pregnancy and woman who experienced the miscarriage.

Another respondent suggested that employees should be permitted the flexibility to take the leave in 1 day blocks rather than 1 week blocks so as to attend follow-up appointments and to mark anniversaries etc.

The Department advised that taking the leave as either 2 single week blocks or as a two week block is more easily administered by employers as it aligns to the current structure for family leave rights and the HMRC system which administers the pay. It also offers flexibility for employees in respect of the weeks being discontinuous if needed. For example 1 week may be taken at the time of the miscarriage and the other week may be taken at the anniversary etc.. Ad hoc single days would increase the administrative burden upon employers and is also likely to impact upon the ability for any payment to coincide with the leave being taken. This approach aligns with the current approach to parental bereavement leave as well as the statutory parental bereavement pay processes on the HMRC Statutory Payment system; which does not allow for single days to be taken with how the calculations for earnings and rates of pay are calculated.