
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

[^{F1}PART IX

[^{F2}CHAPTER 1B

SHARED PARENTAL LEAVE

[^{F1}]^{F2}**Regulations under Article 107G: further provision**

- 107I.**—(1) Regulations under Article 107G are to include provision for determining—
- (a) the amount of leave under Article 107G(1) or (4) to which an employee is entitled in respect of a child,
 - (b) when leave under Article 107G(1) or (4) may be taken.
- (2) Provision under paragraph (1)(a) is to secure that the amount of leave to which an employee is entitled in respect of a child does not exceed—
- (a) in a case where a person with whom the child is, or is expected to be, placed for adoption became entitled to adoption leave, the relevant amount of time reduced by—
 - (i) where the person's adoption leave ends without the person's ordinary or additional adoption leave period having been curtailed by virtue of Article 107A(2A)(a) or 107B(3)(a), the amount of adoption leave taken by that person, or
 - (ii) except where sub-paragraph (a)(i) applies, the amount of time between the beginning of the person's adoption leave and the time when the person's ordinary or additional adoption leave period, as curtailed by virtue of Article 107A(2A)(a) or 107(3)(a), comes to an end,
 - (b) in a case where a person with whom the child is, or is expected to be, placed for adoption became entitled to statutory adoption pay but not adoption leave, the relevant amount of time reduced by an amount determined in accordance with paragraph (a) or, as the case may be, paragraph (b) of section 167ZX(2) of the Contributions and Benefits Act 1992.
- (3) In paragraph (2) “the relevant amount of time” means an amount of time specified in or determined in accordance with regulations under Article 107G.
- (4) Provision under paragraph (1)(a) is to secure that the amount of leave that an employee is entitled to take in respect of a child takes into account—
- (a) in a case where another person is entitled to leave under Article 107G in respect of the child, the amount of such leave taken by the other person,
 - (b) in a case where another person is entitled to statutory shared parental pay in respect of the child but not leave under Article 107G, the number of weeks in respect of which such pay is payable to the other person.
- (5) In reckoning for the purposes of paragraph (2) the amount of adoption leave taken, a part of a week is to be treated as a full week.

Status: Point in time view as at 03/10/2022.

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996, Section 107I is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(6) In reckoning for the purposes of paragraph (4) the amount of leave under Article 107G taken during a period of such leave, a part of a week is to be treated as a full week.

(7) Provision under paragraph (1)(b) is to secure that leave under Article 107G must be taken before the end of such period as may be specified.

(8) Regulations under Article 107G are to provide for the taking of leave under that Article in a single period or in non-consecutive periods.

(9) Regulations under Article 107G may—

- (a) provide for an employer, subject to such restrictions as may be specified, to require an employee who proposes to take non-consecutive periods of leave under Article 107G to take that amount of leave as a single period of leave, and
- (b) provide for a single period of leave that is so imposed on an employee to start with a day proposed by the employee or, if no day is proposed, with the first day of the first period of leave proposed by the employee.

(10) Regulations under Article 107G may provide for the variation, subject to such restrictions as may be specified, of—

- (a) the period or periods during which an amount of leave under Article 107G is to be taken,
- (b) the amount of leave under Article 107G that the employee previously specified in accordance with provision by virtue of—
 - (i) Article 107G(3)(b) or (6)(b), or
 - (ii) paragraph (13)(b).

(11) Provision under paragraph (10)(a) may provide for variation to be subject to the consent of an employer in specified circumstances.

(12) Provision under paragraph (10)(b) may require an employee to satisfy specified conditions—

- (a) as to giving notice of an intention to vary the amount of leave under Article 107G to be taken by the employee,
- (b) if the employee proposes to vary the amount of leave under Article 107G(1) to be taken by the employee, as to the consent of P to that variation,
- (c) if the employee proposes to vary the amount of leave under Article 107G(4) to be taken by the employee, as to the consent of A to that variation.

(13) Provision under paragraph (12)(a) may require an employee to give notice to the employer about—

- (a) the extent to which the employee has exercised an entitlement to leave under Article 107G(1) or (4) in respect of the child,
- (b) how much of the entitlement to leave the employee intends to exercise,
- (c) the extent to which a person other than the employee has exercised an entitlement to leave under Article 107G or to statutory shared parental pay in respect of the child,
- (d) the extent to which a person other than the employee intends to exercise such an entitlement.

(14) Regulations under Article 107G may—

- (a) specify things which are, or are not, to be taken as done for the purpose of caring for a child,
- (b) make provision excluding the right to be absent on leave under Article 107G in respect of a child where more than one child is placed for adoption as part of the same arrangement,
- (c) specify a minimum amount of leave under Article 107G which may be taken,
- (d) make provision about how leave under Article 107G may be taken,

Changes to legislation: The Employment Rights (Northern Ireland) Order 1996, Section 107I is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (e) specify circumstances in which an employee may work for the employer during a period of leave under Article 107G without bringing the particular period of leave, or the employee's entitlement to leave under that Article, to an end,
- (f) specify circumstances in which an employee may be absent on leave under Article 107G otherwise than for the purpose of caring for a child without bringing the person's entitlement to leave under that Article to an end.

(15) In this Article, “week” means any period of seven days.

(16) The Department may by regulations provide that the following do not have effect, or have effect with specified modifications, in a case where a person who is taking adoption leave or is entitled to be paid statutory adoption pay in respect of a child dies before another person has become entitled to leave under Article 107G in respect of the child—

- (a) Article 107G(4)(b), (c) and (e),
- (b) Article 107G(5),
- (c) Article 107G(6)(c),
- (d) paragraph (12)(c),
- (e) paragraph (13)(c) and (d).]]

F1 1999 NI 9

F2 Pt. 9 Ch. 1B inserted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\), ss. 2\(2\), 23\(1\); S.R. 2015/86, art. 3\(1\)\(b\)](#)

Modifications etc. (not altering text)

C1 Art. 107I applied (with modifications) (15.3.2015) by [The Employment Rights \(Northern Ireland\) Order 1996 \(Application of Articles 107G and 107I to Adoptions from Overseas\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/97\), reg. 1, Sch.](#)

C2 Art. 107I applied (with modifications) (15.3.2015) by [The Employment Rights \(Northern Ireland\) Order 1996 \(Application of Articles 107A, 107B, 107G, 107I, 112A and 112B to Parental Order Cases\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/100\), reg. 1\(1\), Sch. 1](#)

C3 Art. 107I amendment to earlier affecting provision S.R. 2015/100, reg. 3, Sch. 1 (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\), art. 1\(1\), Sch. 2 para. 12](#)

Status:

Point in time view as at 03/10/2022.

Changes to legislation:

The Employment Rights (Northern Ireland) Order 1996, Section 107I is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.