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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 93**

**The Shared Parental Leave Regulations (Northern Ireland) 2015**

**PART 2**

**ENTITLEMENT TO SHARED PARENTAL LEAVE (BIRTH)**

**CHAPTER 2**

Entitlement to particular periods of leave

**Modification of eight week requirement for notices where child born early**

17.—(1) This paragraph applies where—

- (a) M or P, as the case may be, is entitled to take a period of shared parental leave with a start date in the eight weeks following the expected week of birth;
- (b) C is born before the first day of the expected week of birth; and
- (c) M or P, as the case may be, gives a notice under regulation 15 to vary the start date of the period of leave referred to in sub-paragraph (a) so that the period starts the same length of time following C's date of birth as the period would have started after the first day of the expected week of birth.

(2) Where paragraph (1) applies—

- (a) the requirement in regulation 15(2)(a) to give not less than eight weeks' notice is satisfied if the notice is given as soon as reasonably practicable after C's date of birth; and
- (b) M or P, as the case may be, is entitled to the period of leave requested in the notice referred to in paragraph (1)(c) (provided that the notice did not also request a variation of the length of the period of leave).

(3) This paragraph applies where—

- (a) M has given a notice under regulation 8, but not given a notice under regulation 12; and
- (b) C is born eight or more weeks before the first day of the expected week of birth.

(4) Where paragraph (3) applies—

- (a) in regulation 8(1) omit "not less than eight weeks";
- (b) the requirement in regulation 12 for a notice to be given not less than eight weeks before the start date of a period of leave is to be treated as satisfied if the notice requests a period of leave with a start date in the eight weeks beginning with the date on which C is born and the notice is given as soon as reasonably practicable after C's date of birth; and

(c) where an employer—

- (i) has made a request under regulation 10 and the 14 day period in paragraph (3), (4) or (5) has not ended; or
- (ii) has not made a request under regulation 10, regulations 4(2)(f) and 10 do not apply to M.

- (5) This paragraph applies where—
- (a) M has not given a notice under regulation 8; and
  - (b) C is born eight or more weeks before the first day of the expected week of birth.
- (6) Where paragraph (5) applies—
- (a) the requirement in regulation 8 for the notice to be given not less than eight weeks before the start date of a period of leave is to be treated as satisfied if the notice is given as soon as reasonably practicable after C’s date of birth;
  - (b) the requirement in regulation 12 for a notice to be given not less than eight weeks before the start date of a period of leave is to be treated as satisfied if the notice requests a period of leave with a start date in the eight weeks beginning with the date on which C is born and the notice is given as soon as reasonably practicable after C’s date of birth; and
  - (c) regulations 4(2)(f) and 10 do not apply to M.
- (7) This paragraph applies where—
- (a) P has given a notice under regulation 9, but not given a notice under regulation 12; and
  - (b) C is born eight or more weeks before the first day of the expected week of birth.
- (8) Where paragraph (7) applies—
- (a) in regulation 9(1) omit “not less than eight weeks”;
  - (b) the requirement in regulation 12 for a notice to be given not less than eight weeks before the start date of a period of leave is to be treated as satisfied if the notice requests a period of leave with a start date in the eight weeks beginning with the date on which C is born and the notice is given as soon as reasonably practicable after C’s date of birth; and
  - (c) where an employer—
    - (i) has made a request under regulation 10 and the 14 day period in paragraph (3), (4) or (5) has not ended; or
    - (ii) has not made a request under regulation 10,regulations 5(2)(d) and 10 do not apply to P.
- (9) This paragraph applies where—
- (a) P has not given a notice under regulation 9; and
  - (b) C is born eight or more weeks before the first day of the expected week of birth.
- (10) Where paragraph (9) applies—
- (a) the requirement in regulation 9 for the notice to be given not less than eight weeks before the start date of a period of leave is to be treated as satisfied if the notice is given as soon as reasonably practicable after C’s date of birth;
  - (b) the requirement in regulation 12 for a notice to be given not less than eight weeks before the start date of a period of leave is to be treated as satisfied if the notice requests a period of leave with a start date in the eight weeks beginning with the date on which C is born and the notice is given as soon as reasonably practicable after C’s date of birth; and
  - (c) regulations 5(2)(d) and 10 do not apply to P.