
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations allow women entitled to ordinary maternity leave under Article 103 of the Employment Rights (Northern Ireland) Order 1996 and additional maternity leave under Article 105 of that Order (“statutory maternity leave”) to curtail that leave to enable them or their spouse, civil partner or partner (“partner”) to take shared parental leave provided for by Article 107E of the Employment Rights (Northern Ireland) Order 1996. They also allow persons who are entitled to ordinary adoption leave under Article 107A and additional adoption leave under Article 107B (“statutory adoption leave”) to curtail that leave to enable them or their partner to take shared parental leave provided for by Article 107G of that Order. The right to curtail statutory adoption leave extends to foster parents who, in accordance with established processes, have been identified as the prospective adopters of a particular child.

Part 2 of the Regulations applies to a woman who is entitled to statutory maternity leave.

Regulation 5 applies to a woman who wishes to curtail her statutory maternity leave and to take shared parental leave with her partner. The regulation sets out the conditions that a woman must fulfil in order to curtail her statutory maternity leave.

Regulation 6 sets out what a notice curtailing maternity leave must contain.

Regulation 7 sets out the effect of giving a curtailment notice.

Regulation 8 sets out the circumstances in which a woman can revoke a leave curtailment notice.

Part 3 of the Regulations applies to persons who are entitled to statutory adoption leave (“adopters”).

Regulation 9 applies to adopters who wish to curtail their statutory adoption leave and to take shared parental leave with their partner. The regulation sets out the conditions that an adopter must fulfil in order to curtail statutory adoption leave.

Regulation 10 sets out what a notice curtailing adoption leave must contain.

Regulation 11 sets out the effect of giving a curtailment notice.

Regulation 12 sets out the circumstances in which an adopter can revoke a leave curtailment notice. It also sets out the effect of revocation.

An impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impacts were assessed within the document ‘Sharing parental rights, extending flexibility at work – public consultation’, published in May 2013 (www.delni.gov.uk/index/consultation-zone/archived-consultations/archived-consultations-2013/working-parents-rights.htm), and supplemented by a further publication in April 2014 (www.delni.gov.uk/index/publications/equality-good-relations/shared-parental-leave-and-pay.htm).