
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations allow women entitled to ordinary maternity leave under section 71 of the Employment Rights Act 1996 and additional maternity leave under section 73 of that Act (“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 section 75E of the Employment Rights Act 1996. They also allow persons who are entitled to ordinary adoption leave under section 75A of the Employment Rights Act 1996 and additional adoption leave under section 75B of that Act (“statutory adoption leave”), to curtail that leave to enable them or their partner to take shared parental leave provided for by section 75G of that Act. The right to curtail statutory adoption leave extends to local authority foster parents (that is persons approved in accordance with regulations made by virtue of paragraph 12F of the Children Act 1989) with whom a child has been placed by a local authority in accordance with section 22C of that Act, following consideration in accordance with section 22C(9B)(c) of that Act. The Maternity and Parental Leave etc Regulations 1999 (S.I. 1999/3312) determine entitlement to statutory maternity leave; the Paternity and Adoption Leave Regulations 2002 (S.I. 2002/2788) determine entitlement to statutory adoption leave; the Paternity and Adoption Leave (Amendment)(No.2) Regulations 2014 (S.I. 2014/[]) extend adoption leave to local authority foster parents with whom a child has been placed by a local authority in accordance with section 22C of the Children Act 1989, following consideration in accordance with section 22C(9B)(c) of that Act and the Shared Parental Leave Regulations 2014 (S.I. 2014/[]) determine entitlement to shared parental leave.

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.

A separate impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment is the *Modern Workplaces: shared parental leave and pay implementation consultation - impact assessment* which was published in February 2013. A copy of that impact assessment can be obtained from the Department for Business, Innovation and Skills, Labour Market Directorate, 1 Victoria Street, London, SW1H 0ET. Copies have also been placed in the libraries of both Houses of Parliament.