
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Paternity, Adoption and Shared Parental
Leave (Parental Order Cases) Regulations 2014**

PART 2

PARENTAL ORDER PARENTS: PATERNITY AND ADOPTION LEAVE

11. Regulation 10 (notice and evidential requirements for leave under regulation 8) of the Leave Regulations as they apply to parental order parents shall read as if the words of that regulation were—

“**10.**—(1) An employee must give his employer notice of his intention to take leave in respect of a child under regulation 8, specifying—

- (a) the expected week of the child’s birth;
- (b) the length of the period of leave that the employee has chosen to take in accordance with regulation 9(1); and
- (c) the date on which, in accordance with regulation 9(3), the employee has chosen as the date on which the period of paternity leave should begin.

(2) The notice provided for in paragraph (1) must be given to the employer in or before the 15th week before the expected week of the child’s birth.

(3) Where the employer requests it, an employee must give the employer, within 14 days of receipt of a request, a written declaration, signed by the employee, to the effect that—

- (a) the purpose of the employee’s absence from work will be that specified in regulation 8(1);
- (b) the employee satisfies the conditions of entitlement in sub-paragraphs (b) and (c) of regulation 8(2); and
- (c) the employee and Parent A are the parental order parents of the child.

(4) An employee who has given notice under paragraph (1) may vary the date chosen as the date on which the period of leave will begin provided that the employee has given the employer notice of the variation—

- (a) where the variation is to provide for the employee’s period of leave to begin on the date on which the child is born, at least 28 days before the first day of the expected week of the child’s birth;
- (b) where the variation is to provide for the employee’s period of leave to begin on the date that is a specified number of days (or a different specified number of days), after the date on which the child is born, at least 28 days before that date falling that number of days after the first day of the expected week of the child’s birth;
- (c) where the variation is to provide for the employee’s period of leave to begin on a predetermined date (or a different predetermined date) at least 28 days before that date.

(5) The employee must vary the choice of date by substituting a later predetermined date or exercising an alternative option under paragraph (3)(a) or (3)(b) of regulation 9 in a case where—

- (a) the employee has chosen to begin the period of leave on a particular predetermined date, and
- (b) the child is not born on or before that date.

(6) Where an employee varies the date on which the period of paternity leave is to begin in accordance with paragraph (5) above the employee must give the employer notice of the variation as soon as is reasonably practicable.

(7) An employee must give his employer a further notice, as soon as reasonably practicable after the child's birth, of the date on which the child was born.

(8) Any notice under paragraph (1), (4), (6) or (7) must be given in writing, if the employer so requests.”