



Employment Rights Act 1996

1996 CHAPTER 18

[^{F1}PART VIII

[^{F2}CHAPTER 1B

SHARED PARENTAL LEAVE

[^{F1}] [^{F2} 75G] **Entitlement to shared parental leave: adoption**

- (1) The Secretary of State may make regulations entitling an employee who satisfies specified conditions—
- as to duration of employment,
 - as to being a person with whom a child is, or is expected to be, placed for adoption under the law of any part of the United Kingdom,
 - as to caring or intending to care, with another person (“P”), for the child,
 - as to entitlement to adoption leave,
 - as to the exercise of that entitlement and the extent of any such exercise,
 - as to giving notice of an intention to exercise an entitlement to leave under this subsection, and
 - as to the consent of P to the amount of leave under this subsection that the employee intends to take,
- to be absent from work on leave under this subsection for the purpose of caring for the child.
- (2) Regulations under subsection (1) may provide that the employee's entitlement is subject to the satisfaction by P of specified conditions—
- as to employment or self-employment,
 - as to having earnings of a specified amount for a specified period,
 - as to caring or intending to care, with the employee, for the child, and
 - as to relationship with the child or the employee.

Status: Point in time view as at 06/04/2016. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 75G is up to date with all changes known to be in force on or before 29 August 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)

- (3) Provision under subsection (1)(f) may require the employee to give notice to the employer about—
- (a) the amount of leave to which the employee would be entitled if the entitlement were fully exercised (disregarding for these purposes any intention of P to exercise an entitlement to leave under subsection (4) or to statutory shared parental pay);
 - (b) how much of the entitlement to leave the employee intends to exercise;
 - (c) the extent to which P intends to exercise an entitlement to leave under subsection (4) or to statutory shared parental pay.
- (4) The Secretary of State may make regulations entitling an employee who satisfies specified conditions—
- (a) as to duration of employment,
 - (b) as to relationship with a child placed, or expected to be placed, for adoption under the law of any part of the United Kingdom or with a person (“A”) with whom the child is, or is expected to be, so placed,
 - (c) as to caring or intending to care, with A, for the child,
 - (d) as to giving notice of an intention to exercise an entitlement to leave under this subsection, and
 - (e) as to the consent of A to the amount of leave under this subsection that the employee intends to take,
- to be absent from work on leave under this subsection for the purpose of caring for the child.
- (5) Regulations under subsection (4) may provide that the employee's entitlement is subject to the satisfaction by A of specified conditions—
- (a) as to employment or self-employment,
 - (b) as to having earnings of a specified amount for a specified period,
 - (c) as to caring or intending to care, with the employee, for the child,
 - (d) as to entitlement (or lack of entitlement) to adoption leave or statutory adoption pay, and
 - (e) as to the exercise of any such entitlement and the extent of any such exercise.
- (6) Provision under subsection (4)(d) may require the employee to give notice to the employer about—
- (a) the amount of leave to which the employee would be entitled if the entitlement were fully exercised (disregarding for these purposes any intention of A to exercise an entitlement to leave under subsection (1) or to statutory shared parental pay);
 - (b) how much of the entitlement to leave the employee intends to exercise;
 - (c) the extent to which A intends to exercise an entitlement to leave under subsection (1) or to statutory shared parental pay.
- (7) [F3Regulations under subsections (1) and (4) are to provide for leave in respect of a child placed, or expected to be placed—
- (a) under section 22C of the Children Act 1989 by a local authority in England, or
 - (b) under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales,
- with a local authority foster parent who has been approved as a prospective adopter.]

Status: Point in time view as at 06/04/2016. This version of this provision has been superseded.

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- (8) This section and section 75H have effect in relation to regulations made by virtue of subsection (7) as if references to a child being placed for adoption under the law of any part of the United Kingdom were references to being placed under section 22C of the Children Act 1989 [F4, or section 81 of the Social Services and Well-being (Wales) Act 2014] with a local authority foster parent who has been approved as a prospective adopter.]]

Textual Amendments

- F1** Pt. 8 (ss. 71-80) substituted for Pt. 8 (ss. 71-85) (15.12.1999) by 1999 c. 26, s. 7, **Sch. 4 Pt. 1**; S.I. 1999/2830, art. 2(1)(2), **Sch. 1 Pt. 2** (with transitional provisions in Sch. 3 para. 10)
- F2** Pt. 8 Ch. 1B (ss. 75E-75K) inserted (30.6.2014) by Children and Families Act 2014 (c. 6), **ss. 117(1)**, 139(6); S.I. 2014/1640, **art. 3(1)(a)**
- F3** S. 75G(7) substituted (E.W.) (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **146(a)**
- F4** Words in s. 75G(8) inserted (E.W.) (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **146(b)**

Modifications etc. (not altering text)

- C1** S. 75G modified (E.W.) (25.11.2014) by The Employment Rights Act 1996 (Application of Sections 75G and 75H to Adoptions from Overseas) Regulations 2014 (S.I. 2014/3091), regs. 1, 2, **Sch.**
- C2** S. 75G applied (with modifications) (25.11.2014) by The Employment Rights Act 1996 (Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases) Regulations 2014 (S.I. 2014/3095), regs. 1(1), 3, **Sch. 1**

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