
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions relating to parental leave in the Maternity and Parental Leave etc. Regulations 1999 (S.I. 1999/3312). These provisions implement Council Directive 96/34/EC on the framework agreement on parental leave.

The Regulations revoke regulation 13(3) of the 1999 Regulations, which restricted the right to parental leave so as to be exercisable only in respect of children born or placed for adoption on or after 15th December 1999. Regulation 15 of the 1999 Regulations is amended to allow parents of children born or placed for adoption up to five years before that date the period up until 31st March 2005 in which to take parental leave (or up until the child's eighteenth birthday in the case of a child entitled to a disability living allowance). A new regulation 13(1A) enables these parents to rely on a period of service with a previous employer in order to satisfy the one-year qualifying service requirement to which the right to take parental leave is subject. Schedule 2 to the 1999 Regulations is amended to require parents seeking to take advantage of this provision to give their current employer notice of, and if the employer reasonably requires it, evidence of, the relevant period of service.

The Regulations also amend regulation 14 of the 1999 Regulations to extend the period of leave to which a parent is entitled from thirteen to eighteen weeks in the case of a child who is entitled to a disability living allowance. Paragraph 6 of Schedule 2 to those Regulations is amended to provide that an employer may not postpone a period of parental leave in respect of a child beyond the date of the child's eighteenth birthday.

A Regulatory Impact Assessment of the estimated costs and benefits of these Regulations is available from Employment Relations 5A, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET.