
STATUTORY INSTRUMENTS

2014 No. 3050

The Shared Parental Leave Regulations 2014

PART 3

ENTITLEMENT TO SHARED PARENTAL LEAVE (ADOPTION)

CHAPTER 1

Entitlement to leave – general

Adopter’s partner’s entitlement to shared parental leave

21.—(1) AP is entitled to be absent from work to take shared parental leave in accordance with Chapter 2 to care for C if AP satisfies the conditions specified in paragraph (2) and A satisfies the conditions specified in paragraph (3).

(2) The conditions are that—

- (a) AP satisfies the continuity of employment test (see regulation 35);
- (b) AP has, at the date of the placement for adoption of C, the main responsibility for the care of C (apart from the responsibility of A);
- (c) AP has complied with regulation 25 (notice to employer of entitlement to shared parental leave);
- (d) AP has complied with regulation 26(3) and (4) (evidence for employer); and
- (e) AP has given a period of leave notice in accordance with regulation 28.

(3) The conditions are that—

- (a) A satisfies the employment and earnings test (see regulation 36);
- (b) A has, at the date of the placement for adoption of C, the main responsibility for the care of C (apart from the responsibility of AP);
- (c) A is entitled to statutory adoption leave or statutory adoption pay in respect of C; and
- (d) where—
 - (i) A is entitled to statutory adoption leave, A has ended any entitlement to statutory adoption leave by curtailing that leave under section 75A(2A) or 75B(3)(a) of the 1996 Act (and that leave remains curtailed) or, where A has not curtailed in that way, A has returned to work before the end of the statutory adoption leave, or
 - (ii) where A is not entitled to statutory adoption leave but is entitled to statutory adoption pay, A has curtailed the adoption pay period under section 171ZN(2A) of the 1992 Act⁽¹⁾ (and that period remains curtailed).

(4) The entitlement under paragraph (1) is not affected by the number of children placed for adoption through a single placement.

(1) Section 171ZN was inserted by the Employment Act 2002, section 4. Section 171N(2A) was inserted by the Children and Families Act 2014, section 120(6).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
