
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

Calculation of total amount of shared parental leave available (adoption)

22.—(1) Where A is entitled to statutory adoption leave, subject to paragraph (9), the total amount of shared parental leave available to A and AP in relation to C is 52 weeks less—

- (a) where there is a leave curtailment date, the number of weeks of statutory adoption leave beginning with the first day of statutory adoption leave taken by A and ending with the leave curtailment date (irrespective of whether or not A returns to work before that date), or
- (b) where A's statutory adoption leave ends without A curtailing that leave under section 75A(2A) or section 75B(3) of the 1996 Act, either—
 - (i) the number of weeks of statutory adoption leave taken; or
 - (ii) 2 weeks,whichever is greater.

(2) Where A is not entitled to statutory adoption leave, but is entitled to statutory adoption pay, subject to paragraph (10), the total amount of shared parental leave available to AP in relation to C is 52 weeks less—

- (a) where A returns to work without reducing A's statutory adoption pay period under section 171ZN(2A) of the 1992 Act, the number of weeks of statutory adoption pay payable to A in respect of C before A returns to work, or
- (b) in any other case, the number of weeks of statutory adoption pay payable to A in respect of C up to the pay curtailment date.

(3) The total amount of shared parental leave which A is entitled to take is the product of the calculation in (1) less—

- (a) any shared parental leave which AP has notified under regulation 28 (as varied by any notice under regulation 31),
- (b) any period of leave which is required to be taken in accordance with paragraph (2) of regulation 33, and
- (c) any weeks of statutory shared parental pay to which AP is entitled and during which AP is not absent on shared parental leave.

(4) The total amount of shared parental leave which AP is entitled to take is the product of the calculation in (1) or (2), as the case may be, less—

- (a) any shared parental leave which A has notified under regulation 28 (as varied by any notice under regulation 31),
 - (b) any period of leave which is required to be taken in accordance with paragraph (1) of regulation 33, and
 - (c) any weeks of statutory shared parental pay to which AP is entitled and during which AP is not absent on shared parental leave.
- (5) For the purposes of paragraphs (3)(a) and (4)(a), any leave notified but, as a result of A giving a revocation notice, not taken must be disregarded.
- (6) For the purposes of paragraph (1), a part of a week in which statutory adoption leave is taken is to be treated as a whole week.
- (7) For the purposes of paragraph (2)—
- (a) a part of a week in respect of which statutory adoption pay is payable is to be treated as a whole week, and
 - (b) “week” has the meaning given by section 171ZN(8) of the 1992 Act.
- (8) For the purposes of paragraphs (3) and (4), any week of leave or pay notified by A or AP, as the case may be, to be taken concurrently from more than one employer is to be treated as one week.
- (9) Where A is entitled to take statutory adoption leave from more than one employment, any calculation under paragraph (1) of the total amount of shared parental leave available must be calculated using—
- (a) the first day of statutory adoption leave taken by A in relation to C from any employment; and
 - (b) the later of—
 - (i) the leave curtailment date, or
 - (ii) the last day of statutory adoption leave taken by M from any employment in relation to C where that leave ends without A curtailing it under section 75A(2A) or section 75B(3) of the 1996 Act.
- (10) Where A is not entitled to statutory adoption leave, but has more than one entitlement to statutory adoption pay—
- (a) paragraph (2)(a) is to apply as though it read—
 - “(a) where A returns to work for all of A’s employers without reducing the statutory adoption pay periods under section 171ZN(2A) of the 1992 Act, the number of weeks of statutory adoption pay payable to M in respect of C before the last date on which A returns to work, or”, and
 - (b) paragraph (2)(b) is to apply as though it read—
 - “(b) in any other case, the number of weeks of statutory adoption pay payable to A in respect of C up to the latest pay curtailment date.”.