

## SCHEDULE

### SHARED PARENTAL LEAVE IN SPECIAL CIRCUMSTANCES

#### PART 2

##### SHARED PARENTAL LEAVE (ADOPTION)

###### **Entitlement of adopter's partner to shared parental leave in the event of death of adopter after notice of entitlement given**

8.—(1) Where A dies after AP has given a notice of entitlement under regulation 25, the provisions of the Regulations apply in respect of any period after A dies with the modifications in paragraphs (2) (on entitlement), (3) to (6) (on the provision of notices), and (7) (on evidence) in relation to the entitlement of AP to shared parental leave.

(2) Sub-paragraphs (2)(a) to (e) in paragraph 6 of this Schedule apply.

(3) Regulation 27(3)(d) does not have effect.

(4) Where by reason of A's death it is not reasonably practicable for AP to satisfy a requirement under regulation 25, 28 or 31 for a notice to be given not less than eight weeks before the date on which a period of shared parental leave begins, that regulation is to have effect as if it required AP to give the notice as soon as reasonably practicable before the date on which the period of leave begins. The modification of regulations 28 and 31 applies only to the first notice given under either regulation 28 or 31 following the death A.

(5) The first notice given under either regulation 28 or 31 following the death of A must include the date of A's death.

(6) Where at the time of A's death AP has given a combined total of three notices under regulations 28 and 31, in regulation 32(1) for "three" substitute "four".

(7) Where an employer—

(a) has made a request under regulation 26 and the 14 day period in paragraph (3) or (4) has not ended, or

(b) has not made a request under regulation 26,

before A dies, regulation 21(2)(d) does not have effect and regulation 26 is omitted.