



2015 CHAPTER 1

PART 2

SHARED RIGHTS TO LEAVE AND PAY

Shared parental leave

Exclusion or curtailment of other statutory rights to leave

3.—(1) The Employment Rights Order is amended as follows.

(2) In Article 103 (ordinary maternity leave)—

(a) in paragraph (3), after sub-paragraph (b) insert—

“(ba) may allow an employee to bring forward the date on which an ordinary maternity leave period ends, subject to prescribed restrictions and subject to satisfying prescribed conditions;

(bb) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date;”

(b) after that paragraph insert—

“(3A) Provision under paragraph (3)(ba) is to secure that an employee may bring forward the date on which an ordinary maternity leave period ends only if the employee or another person has taken, or is taking, prescribed steps as regards shared parental leave under Article 107E or statutory shared parental pay in respect of the child.”

(3) In Article 105 (additional maternity leave)—

(a) in paragraph (3), in sub-paragraph (a), for the words from “to choose” to the end substitute “to bring forward the date on which an additional

maternity leave period ends, subject to prescribed restrictions and also to satisfying prescribed conditions,”

(b) in paragraph (3), after that sub-paragraph insert—

“(aa) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date,”

(c) after that paragraph insert—

“(3A) Provision under paragraph (3)(a) is to secure that an employee may bring forward the date on which an additional maternity leave period ends only if the employee or another person has taken, or is taking, prescribed steps as regards shared parental leave under Article 107E or statutory shared parental pay in respect of the child.”

(4) In Article 107A (ordinary adoption leave)—

(a) in paragraph (2A), after “paragraph (2)” insert “—

(a) may allow an employee to bring forward the date on which an ordinary adoption leave period ends, subject to prescribed restrictions and subject to satisfying prescribed conditions,

(b) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date,”

(b) in that paragraph, the words from “may specify circumstances” to the end become sub-paragraph (c),

(c) after that paragraph insert—

“(2B) Provision under paragraph (2A)(a) is to secure that an employee may bring forward the date on which an ordinary adoption leave period ends only if the employee or another person has taken, or is taking, prescribed steps as regards shared parental leave under Article 107G or statutory shared parental pay in respect of the child.”

(5) In Article 107B (additional adoption leave)—

(a) in paragraph (3), in sub-paragraph (a), for the words from “to choose” to the end substitute “to bring forward the date on which an additional adoption leave period ends, subject to prescribed restrictions and subject to satisfying prescribed conditions,”

(b) in paragraph (3), after that sub-paragraph insert—

“(aa) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date,”

(c) after that paragraph insert—

“(3A) Provision under paragraph (3)(a) is to secure that an employee may bring forward the date on which an additional adoption leave period ends only if the employee or another person has taken, or is taking,

prescribed steps as regards shared parental leave under Article 107G or statutory shared parental pay in respect of the child.”.

(6) In Article 112A (entitlement to ordinary paternity leave: birth), after paragraph (4) insert—

“(4A) Provision under paragraph (2)(b) must secure that, once an employee takes shared parental leave under Article 107E in respect of a child, the employee may not take leave under this Article in respect of the child.”.

(7) In Article 112B (entitlement to ordinary paternity leave: adoption), after paragraph (4) insert—

“(4A) Provision under paragraph (2)(b) must secure that, once an employee takes shared parental leave under Article 107G in respect of a child, the employee may not take leave under this Article in respect of the child.”.