
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 100

EMPLOYMENT

WORK AND FAMILIES

**The Employment Rights (Northern Ireland)
Order 1996 (Application of Articles 107A, 107B,
107G, 107I, 112A and 112B to Parental Order
Cases) Regulations (Northern Ireland) 2015**

Made - - - -

2nd March 2015

Coming into operation

15th March 2015

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by Articles 107AC, 107BA, 107J(2), 112BAA and 251(6) of the Employment Rights (Northern Ireland) Order 1996 ^{M1}.

Marginal Citations

M1 [S.I. 1996/1919 \(N.I. 16\)](#); [Articles 107AC, 107BA, 107J](#) and [112BAA](#) were inserted, respectively, by the [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), [sections 10\(2\), 10\(3\), 2\(2\)](#) and [10\(5\)](#).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Employment Rights (Northern Ireland) Order 1996 (Application of Articles 107A, 107B, 107G, 107I, 112A and 112B to Parental Order Cases) Regulations (Northern Ireland) 2015 and come into operation on 15 March 2015.

(2) In these Regulations—

“the Order” means the Employment Rights (Northern Ireland) Order 1996;

[^{F1}“intended parent”, in relation to a child, means a person who, on the day of the child’s birth—

(a) applies, or intends to apply during the period of 6 months beginning with that day—

(i) with another person for an order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the child; or

(ii) as the sole applicant for an order under section 54A of that Act in respect of the child; and

Changes to legislation: There are currently no known outstanding effects for the The Employment Rights (Northern Ireland) Order 1996 (Application of Articles 107A, 107B, 107G, 107I, 112A and 112B to Parental Order Cases) Regulations (Northern Ireland) 2015. (See end of Document for details)

(b) expects the court to make such an order in respect of the child;]

F2 ...

F3 ...

[^{F4}“section 54 parental order parent” means a person—

- (a) on whose application the court has made an order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of a child; or
- (b) who is an intended parent of a child by reference to an application or intended application for such an order;]

[^{F4}“section 54A parental order parent” means a person—

- (a) on whose application the court has made an order under section 54A of the Human Fertilisation and Embryology Act 2008 in respect of a child; or
- (b) who is an intended parent of a child by reference to an application or intended application for such an order.]

- F1** Words in reg. 1(2) substituted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 2 para. 12\(2\)\(a\)](#)
- F2** Words in reg. 1(2) omitted (3.1.2019) by virtue of [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 2 para. 12\(2\)\(b\)](#)
- F3** Words in reg. 1(2) omitted (3.1.2019) by virtue of [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 2 para. 12\(2\)\(c\)](#)
- F4** Words in reg. 1(2) inserted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 2 para. 12\(2\)\(d\)](#)

Application of Articles 107A and 107B of the Order to parental order parents

2. Articles 107A and 107B of the Order ^{M2} have effect in relation to [^{F5}section 54 parental order parents and section 54A parental order parents] .

- F5** Words in [reg. 2](#) substituted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 2 para. 12\(3\)](#)

Marginal Citations

- M2** Articles 107A and 107B were inserted by the Employment (Northern Ireland) Order 2002 ([S.I. 2002/2836 \(N.I. 2\)](#)), [Article 3](#).

Application of Articles 107G and 107I of the Order to parental order parents

3. Articles 107G and 107I of the Order ^{M3} have effect in relation to [^{F6}section 54 parental order parents] with the modifications specified in the second column of Schedule 1.

- F6** Words in [reg. 3](#) substituted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 2 para. 12\(4\)](#)

Marginal Citations

- M3** Articles 107G and 107I were inserted by [2015 c. 1 \(N.I.\)](#), [section 2](#).

Changes to legislation: There are currently no known outstanding effects for the The Employment Rights (Northern Ireland) Order 1996 (Application of Articles 107A, 107B, 107G, 107I, 112A and 112B to Parental Order Cases) Regulations (Northern Ireland) 2015. (See end of Document for details)

Application of Articles 112A and 112B of the Order to parental order parents

4. Articles 112A and 112B of the Order ^{M4} have effect in relation to [^{F7}section 54 parental order parents] with the modifications specified in the second column of Schedule 2.

F7 Words in [reg. 4](#) substituted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 2 para. 12\(5\)](#)

Marginal Citations

M4 Articles 112A and 112B were inserted by [S.I. 2002/2836 \(N.I. 2\)](#), [Article 4](#).

Sealed with the Official Seal of the Department for Employment and Learning on 2nd March 2015.

L.S.

Dr Stephen Farry
Minister for Employment and Learning

Changes to legislation: There are currently no known outstanding effects for the The Employment Rights (Northern Ireland) Order 1996 (Application of Articles 107A, 107B, 107G, 107I, 112A and 112B to Parental Order Cases) Regulations (Northern Ireland) 2015. (See end of Document for details)

SCHEDULE 1

Regulation 3

Provision	Modification
Article 107G	<p>For sub-paragraph (b) of paragraph (1) substitute—</p> <p>“(b) as to being a person—</p> <p>(i) on whose application the court has made a parental order in respect of a child, or</p> <p>(ii) who is an intended parent of a child,”.</p> <p>For sub-paragraph (b) of paragraph (4) substitute—</p> <p>“(b) as to being a person—</p> <p>(i) on whose application the court has made a parental order in respect of a child, or</p> <p>(ii) who is an intended parent of a child,</p> <p>(ba) as to relationship with the other person (“A”) on whose application the parental order was made or who is an intended parent of the child,”.</p> <p>After paragraph (6) insert—</p> <p>“(7) In this Article and Article 107I—</p> <p>[^{F8}“intended parent”, in relation to a child, means a person who, on the day of the child’s birth—</p> <p>(a) applies, or intends to apply during the period of 6 months beginning with that day—</p> <p>(i) with another person for an order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the child; or</p> <p>(ii) as the sole applicant for an order under section 54A of that Act in respect of the child; and</p> <p>(b) expects the court to make such an order in respect of the child; and</p> <p>“parental order” means an order under section 54 or 54A of the Human Fertilisation and Embryology Act 2008.”].</p>
Article 107I	<p>In sub-paragraph (a) of paragraph (2), for “with whom the child is, or is expected to be placed</p>

Changes to legislation: There are currently no known outstanding effects for the The Employment Rights (Northern Ireland) Order 1996 (Application of Articles 107A, 107B, 107G, 107I, 112A and 112B to Parental Order Cases) Regulations (Northern Ireland) 2015. (See end of Document for details)

for adoption” substitute “ on whose application the court has made a parental order in respect of the child or who is an intended parent of the child ”.

In sub-paragraph (b) of paragraph (2), for “with whom the child is, or is expected to be placed for adoption” substitute “ on whose application the court has made a parental order in respect of the child or who is an intended parent of the child ”.

In sub-paragraph (b) of paragraph (14), for “placed for adoption as part of the same arrangement” substitute “ born as a result of the same pregnancy ”.

F8 Words in [Sch. 1](#) substituted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 2 para. 12\(6\)](#)

SCHEDULE 2

Regulation 4

<i>Provision</i>	<i>Modification</i>
Article 112A	After sub-paragraph (a) in paragraph (5) insert— “(aa) make provision excluding the right to be absent on leave under this Article in the case of an employee who satisfies— (i) the conditions specified in regulations under Article 107A(1) or 112B(1), or (ii) such of those conditions as are specified in regulations under paragraph (1);”.
Article 112B	For sub-paragraph (b) of paragraph (1) (and the following “and”) substitute— “(b) as to being a person— (i) on whose application the court has made a parental order in respect of a child, or (ii) who is an intended parent of a child, and”.
	For sub-paragraph (c) of paragraph (1) substitute— “(c) as to relationship with the other person on whose application the

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parental order was made or who is an intended parent of the child.”.

In paragraph (4), for “placement for adoption” substitute “ birth ”.

In sub-paragraph (a) of paragraph (5), for “a person with whom a child is placed for adoption” substitute “ the other person on whose application the court has made a parental order in respect of a child or who is an intended parent of a child ”.

Omit sub-paragraph (aa) of paragraph (5)
M5

In sub-paragraph (c) of paragraph (5), for “placed for adoption as part of the same arrangement” substitute “ born as a result of the same pregnancy ”.

For paragraph (6) substitute—

“(6) Where more than one child is born as a result of the same pregnancy, the reference in paragraph (4) to the date of the child's birth shall be read as a reference to the date of birth of the first child born as a result of the pregnancy.”.

After paragraph (7) insert—

“(7A) In this Article—

[^{F9}“intended parent” in relation to a child, means a person who, on the day of the child’s birth—

(a) applies, or intends to apply during the period of 6 months beginning with that day—

(i) with another person for an order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the child; or

(ii) as the sole applicant for an order under section 54A of that Act in respect of the child; and

(b) expects the court to make such an order in respect of the child; and
“parental order” means an order under section 54 or 54A of the Human Fertilisation and Embryology Act 2008.”].

Changes to legislation: There are currently no known outstanding effects for the *The Employment Rights (Northern Ireland) Order 1996 (Application of Articles 107A, 107B, 107G, 107I, 112A and 112B to Parental Order Cases) Regulations (Northern Ireland) 2015*. (See end of Document for details)

F9 Words in Sch. 2 substituted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 2 para. 12\(7\)](#)

Marginal Citations

M5 Article 112B(5)(aa) was inserted by [2015 c. 1 \(N.I.\)](#), [section 8\(4\)](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Articles 107A and 107B of the Employment Rights (Northern Ireland) Order 1996 (“the Order”) give employees who satisfy prescribed conditions the right to take ordinary adoption leave and additional adoption leave. They also allow an employee who is entitled to ordinary or additional adoption leave to curtail that leave to access shared parental leave. These Regulations provide that those Articles have effect in relation to parental order parents. A parental order parent is a person who has applied, or intends to apply, with another person, under section 54 of the Human Fertilisation and Embryology Act 2008 for a parental order in respect of a child or someone who has such an order.

Articles 107G and 107I of the Order contain powers to make regulations entitling an employee who is adopting a child under the law of any part of the United Kingdom, or has a specified relationship with such an adopter, to take shared parental leave. These Regulations make the necessary modifications to those Articles to provide for them to have effect in relation to parental order parents.

Article 112B of the Order confers power to make regulations entitling an employee who satisfies specified conditions to avail of paternity leave. These Regulations make the necessary modifications to Article 112B to provide for it to have effect in relation to parental order parents. In addition, these Regulations modify Article 112A of the Order to allow the making of regulations which provide that an employee does not have an entitlement to paternity leave under that Article where the employee has the right to paternity leave under Article 112B or to adoption leave under Article 107A of the Order.

An impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impacts were assessed within the document ‘Sharing parental rights, extending flexibility at work – public consultation’, published in May 2013 (www.delni.gov.uk/index/consultation-zone/archived-consultations/archived-consultations-2013/working-parents-rights.htm), and supplemented by a further publication in April 2014 (www.delni.gov.uk/index/publications/equality-good-relations/shared-parental-leave-and-pay.htm).

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