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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 93**

The Shared Parental Leave Regulations (Northern Ireland) 2015

PART 3

ENTITLEMENT TO SHARED PARENTAL LEAVE (ADOPTION)

CHAPTER 1

Entitlement to leave – general

**Adopter's entitlement to shared parental leave**

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

(2) The conditions are that—

- (a) A satisfies the continuity of employment test (see regulation 35);
- (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 in respect of C;
- (d) A has ended any entitlement to statutory adoption leave by curtailing that leave under Article 107A(2A) or 107B(3)(a) of the 1996 Order<sup>(1)</sup> (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;
- (e) A has complied with regulation 24 (notice to employer of entitlement to shared parental leave);
- (f) A has complied with regulation 26(3) and (4) (evidence for employer); and
- (g) A has given a period of leave notice in accordance with regulation 28.

(3) The conditions are that—

- (a) AP satisfies the employment and earnings test (see regulation 36); and
- (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).

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

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<sup>(1)</sup> Articles 107A and 107B were inserted by S.I. 2002/2836 (N.I. 2), Article 3. Article 107A(2A) was inserted by S.I. 2006/1947 (N.I. 16), Schedule 1, paragraph 32. Article 107A(2A) and Article 107B(3) were amended by 2015 c. 1 (N.I.), section 3(4) and (5) (respectively).