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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 partner's entitlement to shared parental leave**

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

(2) The conditions are that—

- (a) AP satisfies the continuity of employment test (see regulation 35);
- (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);
- (c) AP has complied with regulation 25 (notice to employer of entitlement to shared parental leave);
- (d) AP has complied with regulation 26(3) and (4) (evidence for employer); and
- (e) AP has given a period of leave notice in accordance with regulation 28.

(3) The conditions are that—

- (a) A satisfies the employment and earnings test (see regulation 36);
- (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 or statutory adoption pay in respect of C; and
- (d) where—
  - (i) A is entitled to statutory adoption leave, 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 (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, or
  - (ii) where A is not entitled to statutory adoption leave but is entitled to statutory adoption pay, A has curtailed the adoption pay period under section 167ZN(2A) of the 1992 Act(1) (and that period remains curtailed).

(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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(1) Section 167ZN was inserted by the Employment (Northern Ireland) Order 2002, Article 6. Section 167ZN(2A) was inserted by the Work and Families Act 2015, section 6(6).

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**Status:** *This is the original version (as it was originally made).*

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