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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 2

ENTITLEMENT TO SHARED PARENTAL LEAVE (BIRTH)

CHAPTER 1

Entitlement to leave – general

**Father’s or partner’s entitlement to shared parental leave**

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

(2) The conditions are that—

- (a) P satisfies the continuity of employment test (see regulation 35);
- (b) P has, at the date of C’s birth, the main responsibility for the care of C (apart from the responsibility of M);
- (c) P has complied with regulation 9 (notice to employer of entitlement to shared parental leave);
- (d) P has complied with regulation 10(3) to (5) (evidence for employer); and
- (e) P has given a period of leave notice in accordance with regulation 12.

(3) The conditions are that—

- (a) M satisfies the employment and earnings test (see regulation 36);
- (b) M has, at the date of C’s birth, the main responsibility for the care of C (apart from the responsibility of P);
- (c) M is entitled to statutory maternity leave, statutory maternity pay, or maternity allowance in respect of C; and
- (d) where—
  - (i) M is entitled to statutory maternity leave, she has ended any entitlement to statutory maternity leave by curtailing that leave under Article 103(3)(ba) or Article 105(3)(a) of the 1996 Order (and that leave remains curtailed) or, where M has not curtailed in that way, M has returned to work before the end of her statutory maternity leave;
  - (ii) M is not entitled to statutory maternity leave but is entitled to statutory maternity pay, she has curtailed the maternity pay period under section 161(3A) of the 1992 Act (and that period remains curtailed); or
  - (iii) M is not entitled to statutory maternity leave but is entitled to maternity allowance, she has curtailed the maternity allowance period under section 35(3A) of that Act (and that period remains curtailed).

(4) Entitlement under paragraph (1) is not affected by the number of children born or expected as a result of the same pregnancy.