Draft Regulations laid before Parliament under section 236(3) of the Employment Rights Act 1996 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972, for approval by resolution of each House of Parliament.

D R A F T   S T A T U T O R Y   I N S T R U M E N T S

2013 No. 0000

TERMS AND CONDITIONS OF EMPLOYMENT

The Parental Leave (EU Directive) Regulations 2013

Made - - - -	*****
Coming into force - -	*8th March 2013*

The Secretary of State is a Minister designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to employment rights and duties.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and section 76(2) of the Employment Rights Act 1996(**c**).

In accordance with paragraph 2(2) of Schedule 2 to the 1972 Act and section 236(3) of the 1996 Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Parental Leave (EU Directive) Regulations 2013 and come into force on 8th March 2013.

Amendment to the Employment Rights Act 1996

2. In section 80F of the Employment Rights Act 1996(**d**) (statutory right to request contract variation), at the end of subsection (8)(a)(ii) insert "(other than an agency worker who is returning to work from a period of parental leave under regulations under section 76)".

Amendments to the Maternity and Parental Leave etc. Regulations 1999

3.—(1) The Maternity and Parental Leave etc. Regulations 1999(**e**) are amended as follows.

(2) In regulation 14 (extent of entitlement)—

    (a) for paragraph (1) substitute—

(**a**) S.I. 2000/738.
(**b**) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1) and the European Union (Amendment) Act 2008 (c.7), section 3(3).
(**c**) c.18; section 76 was substituted by section 7 of and Part 1 of Schedule 4 to the Employment Relations Act 1999 (c.26).
(**d**) 1996 c.18; section 80F was inserted by section 47 of the Employment Act 2002 (c. 22).
(**e**) S.1. 1999/3312; regulation 14(1A) was inserted by S.I. 2001/4010.

"(1) An employee is entitled to eighteen weeks' leave in respect of any individual child.";

  (b) omit paragraph (1A).

(3) After regulation 16 (default provisions in respect of parental leave), insert—

"Review

16A.—(1) The Secretary of State must from time to time—

    (a) carry out a review of regulations 13 to 16 and Schedule 2,

    (b) set out the conclusions of the review in a report, and

    (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Council Directive 2010/18/EU of 8 March 2010 implementing the revised framework agreement on parental leave(**a**) (which is implemented by means of regulations 13 to 16 and Schedule 2) is implemented in other member States.

(3) The report must in particular—

    (a) set out the objectives intended to be achieved by the regulatory system established by those regulations,

    (b) assess the extent to which those objectives are achieved, and

    (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.".

Name
Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
Date   Department for Business, Innovation and Skills

(**a**) OJ No L 68, 18.03.2010, p13.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive 2010/18/EU on the revised framework agreement on parental leave ("the Directive"). They amend provisions relating to parental leave in the Employment Rights Act 1996 ("the 1996 Act") and the Maternity and Parental Leave etc. Regulations 1999 ("1999 Regulations").

Regulation 2 amends section 80F of the 1996 Act to extend the right to request a contract variation to employed agency workers who are returning to work from a period of parental leave.

Regulation 3 makes amendments to the 1999 Regulations. It amends regulation 14 of the 1999 Regulations to increase a qualifying employee's entitlement to parental leave in respect of an individual child from 13 weeks to 18 weeks. It also introduces a provision which requires the Secretary of State to review the operation and effect of those provisions which implement the Directive and to publish a report within five years and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the relevant provisions should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the relevant provisions or to amend them.

A transposition note and an impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector are attached to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk. Copies have also been placed in the Libraries of both Houses of Parliament.

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DRAFT STATUTORY INSTRUMENTS

2013 No. 0000

TERMS AND CONDITIONS OF EMPLOYMENT

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