
STATUTORY INSTRUMENTS

1999 No. 3312

The Maternity and Parental Leave etc. Regulations 1999

PART III

PARENTAL LEAVE

Entitlement to parental leave

13.—(1) An employee who—

- (a) has been continuously employed for a period of not less than a year; and
- (b) has, or expects to have, responsibility for a child,

is entitled, in accordance with these Regulations, to be absent from work on parental leave for the purpose of caring for that child.

(2) An employee has responsibility for a child, for the purposes of paragraph (1), if—

- (a) he has parental responsibility or, in Scotland, parental responsibilities for the child; or
- (b) he has been registered as the child's father under any provision of section 10(1) or 10A(1) of the Births and Deaths Registration Act 1953⁽¹⁾ or of section 18(1) or (2) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965⁽²⁾.

(3) An employee is not entitled to parental leave in respect of a child born before 15th December 1999, except for a child who is adopted by the employee, or placed with the employee for adoption by him, on or after that date.

Extent of entitlement

14.—(1) An employee is entitled to thirteen weeks' leave in respect of any individual child.

(2) Where the period for which an employee is normally required, under his contract of employment, to work in the course of a week does not vary, a week's leave for the employee is a period of absence from work which is equal in duration to the period for which he is normally required to work.

(3) Where the period for which an employee is normally required, under his contract of employment, to work in the course of a week varies from week to week or over a longer period, or where he is normally required under his contract to work in some weeks but not in others, a week's leave for the employee is a period of absence from work which is equal in duration to the period calculated by dividing the total of the periods for which he is normally required to work in a year by 52.

(4) Where an employee takes leave in periods shorter than the period which constitutes, for him, a week's leave under whichever of paragraphs (2) and (3) is applicable in his case, he completes a

⁽¹⁾ 1953 c. 20; sections 10 and 10A were substituted by the Family Law Reform Act 1987 (c. 42), sections 24 and 25.

⁽²⁾ 1965 c. 49; section 18(1) was substituted, and section 18(2) amended, by the Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9).

week's leave when the aggregate of the periods of leave he has taken equals the period constituting a week's leave for him under the applicable paragraph.

When parental leave may be taken

- 15.** An employee may not exercise any entitlement to parental leave in respect of a child—
- (a) except in the cases referred to in paragraphs (b) to (d), after the date of the child's fifth birthday;
 - (b) in a case where the child is entitled to a disability living allowance, after the date of the child's eighteenth birthday;
 - (c) in a case where the child was placed with the employee for adoption by him (other than a case where paragraph (b) applies), after—
 - (i) the fifth anniversary of the date on which the placement began, or
 - (ii) the date of the child's eighteenth birthday,whichever is the earlier.
 - (d) in a case where—
 - (i) the provisions set out in Schedule 2 apply, and
 - (ii) the employee would have taken leave on or before a date or anniversary referred to in paragraphs (a) to (c) but for the fact that the employer postponed it under paragraph 6 of that Schedule,after the end of the period to which the leave was postponed.

Default provisions in respect of parental leave

- 16.** The provisions set out in Schedule 2 apply in relation to parental leave in the case of an employee whose contract of employment does not include a provision which—
- (a) confers an entitlement to absence from work for the purpose of caring for a child, and
 - (b) incorporates or operates by reference to all or part of a collective agreement or workforce agreement.