

SCHEDULE

SHARED PARENTAL LEAVE IN SPECIAL CIRCUMSTANCES

PART 2

SHARED PARENTAL LEAVE (ADOPTION)

Entitlement of adopter's partner to shared parental leave in the event of death of adopter before curtailment

6.—(1) Where before AP has given a notice under regulation 25 A dies—

- (a) without curtailing A's statutory adoption leave under section 75A(2A) or 75B(3) of the 1996 Act; or
- (b) before the end of the adoption pay period and without curtailing that period under section 171ZN(2A) of the 1992 Act,

sub-paragraph (2) applies in relation to the entitlement of AP to shared parental leave.

(2) The provisions of the Regulations apply in respect of any period after A dies with the modifications specified in paragraphs (a) to (l)—

- (a) a person is to be regarded as falling within the definition of P in regulation 3(1) if that person fell within that definition immediately before A died;
- (b) regulation 21(2)(d) does not have effect;
- (c) in regulation 21(3)(a) for "A satisfies" substitute "immediately before A's death A satisfied";
- (d) in regulation 21(3)(c) for "A is entitled" substitute "immediately before A's death, A was entitled";
- (e) regulation 21(3)(d) does not have effect.
- (f) in regulation 22—

(i) for paragraph (1) substitute—

"(1) Where A was entitled to statutory adoption leave, subject to paragraph (9), the total amount of shared parental leave available in relation to C is 52 weeks less the number of weeks of statutory adoption leave taken by A before A died.";

(ii) for paragraph (2) substitute—

"(2) Where A was not entitled to statutory adoption leave, but was entitled to statutory adoption pay, subject to paragraph (10), the total amount of shared parental leave available in relation to C is 52 weeks less the number of weeks of statutory adoption pay payable to A before A died.";

(g) in regulation 25(2)(g) for "and A each intend" substitute "intends";

(h) in regulation 25(2) after sub-paragraph (h) insert—

"(i) the date of A's death.";

(i) regulation 25(3)(b) is omitted;

(j) regulation 26 is omitted;

(k) regulation 27(3)(d) is omitted;

(l) where under regulation 25 or 28 a notice is required to be given not less than eight weeks before a start date and it is not reasonably practicable for P to satisfy that requirement, the

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notice may be given as soon as is reasonably practicable after the death of A and before the start date of the leave. The modification of regulation 28 applies only to the first notice given under regulation 28 following the death of A.