

SCHEDULE

SHARED PARENTAL LEAVE IN SPECIAL CIRCUMSTANCES

PART 2

SHARED PARENTAL LEAVE (ADOPTION)

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

9.—(1) Where AP dies after A has given a notice of entitlement under regulation 24, the provisions of the Regulations apply in respect of any period after AP dies with the modifications in sub-paragraphs (2) (on entitlement), (3) to (6) (on the provision of notices), and (7) (on evidence) apply.

(2) The following modifications apply—

- (a) a person is to be regarded as falling within the definition of “AP” in regulation 3(1) if that person fell within that definition immediately before that person died;
- (b) regulation 20(2)(f) does not have effect;
- (c) in regulation 20(3)(a) for “AP satisfies” substitute “immediately before AP’s death AP satisfied”.

(3) Regulation 27(3)(d) does not have effect.

(4) Where by reason of AP’s death it is not reasonably practicable for A to satisfy a requirement under regulation 24, 28 or 31 for a notice to be given not less than eight weeks before the date on which a period of shared parental leave begins, that regulation is to have effect as if it required A to give the notice as soon as reasonably practicable before the date on which the period of leave begins. The modification of regulations 28 and 31 applies only to the first notice given under either regulation 28 or 31 following the death AP.

(5) The first notice given under either regulation 28 or 31 following the death of AP must include the date of AP’s death.

(6) Where at the time of AP’s death A has given a combined total of three notices under regulations 28 and 31, in regulation 32(1) for “three” substitute “four”.

(7) Where an employer—

- (a) has made a request under regulation 26 and the 14 day period in paragraph (3) or (4) has not ended, or
- (b) has not made a request under regulation 26,

before AP dies, regulation 20(2)(f) does not have effect and regulation 26 is omitted.