

*These notes refer to the Work and Families Act (Northern Ireland)
2015 (c.1) which received Royal Assent on 8th January 2015*

Work and Families Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Shared Rights to Leave and Pay

Section 10: Other statutory rights to leave of applicants for parental orders

Section 10 makes provision for intended parents in surrogacy arrangements, who are entitled and intend to make an application for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008, to be entitled to paternity leave and to adoption leave in respect of the child who is the subject of the order.

Subsection (2) inserts *Article 107AC* into the ERO to enable the Department by regulations to apply the provisions for ordinary adoption leave (in Article 107A) to cases involving an employee who has applied or intends to apply, with another person, for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the child who is the subject of the parental order. *Subsection (3)* inserts *Article 107BA* into the ERO to enable the Department by regulations to apply the provisions for additional adoption leave (in Article 107B) to the employee and child in like manner.

Subsection (4) amends Article 107D of the ERO to enable the Department, when making regulations about ordinary or additional adoption leave which concern cases involving an application for a parental order, to require the employee to make a statutory declaration as to his or her eligibility, with another person, to apply for the order and his or her intention to make such an application.

Subsection (5) inserts *Article 112BAA* into the ERO to enable the Department to make regulations to provide that ordinary paternity leave following birth may apply to intended parents in surrogacy cases where an employee, with another person, is eligible and intends to apply for a parental order in respect of the child who is the subject of such an order.