
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Shared Parental Leave Regulations 2014

PART 6

Contractual rights and service of notices

Contractual rights to shared parental leave

45. Where an employee is entitled to shared parental leave (referred to in this regulation as “the statutory right”) and also to a right which corresponds to that right and which arises under the employee’s contract of employment or otherwise—

- (a) the employee may not exercise the statutory right and the corresponding right separately but may, in taking the leave for which the two rights provide, take advantage of whichever right is, in any particular respect, the more favourable, and
- (b) the provisions of the 1996 Act and of these Regulations relating to the statutory right apply, subject to any modifications necessary to give effect to any more favourable contractual terms, to the exercise of the composite right described in sub-paragraph (a) as they apply to the exercise of the statutory right.

Service of notices

46.—(1) Where a notice is to be given under these Regulations, it may be given—

- (a) where paragraph (2) applies, by electronic communication;
- (b) by post; or
- (c) by personal delivery.

(2) This paragraph applies where the person who is to receive the notice has agreed that the notice may be given to the person by being transmitted to an electronic address and in an electronic form specified by the person for the purpose.

(3) Where a notice is to be given under these Regulations it is to be taken to have been given—

- (a) if sent by electronic communication, on the day of transmission;
- (b) if sent by post in an envelope which is properly addressed and sent by prepaid post, on the day on which it is posted;
- (c) if delivered personally, on the day of delivery.