
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Shared Parental Leave Regulations 2014

PART 3

ENTITLEMENT TO SHARED PARENTAL LEAVE (ADOPTION)

CHAPTER 1

Entitlement to leave – general

Adopter's entitlement to shared parental leave

20.—(1) A is entitled to be absent from work to take shared parental leave in accordance with Chapter 2 to care for C if A satisfies the conditions specified in paragraph (2) and AP satisfies the conditions specified in paragraph (3).

(2) The conditions are that—

- (a) A satisfies the continuity of employment test (see regulation 35);
- (b) A has, at the date of the placement for adoption of C, the main responsibility for the care of C (apart from the responsibility of AP);
- (c) A is entitled to statutory adoption leave in respect of C;
- (d) A has ended any entitlement to statutory adoption leave by curtailing that leave under section 75A(2A) or 75B(3)(a) of the 1996 Act⁽¹⁾ (and that leave remains curtailed) or, where A has not curtailed in that way, A has returned to work before the end of the statutory adoption leave;
- (e) A has complied with regulation 24 (notice to employer of entitlement to shared parental leave);
- (f) A has complied with regulation 26(3) and (4) (evidence for employer); and
- (g) A has given a period of leave notice in accordance with regulation 28.

(3) The conditions are that—

- (a) AP satisfies the employment and earnings test (see regulation 36); and
- (b) AP has, at the date of the placement for adoption of C, the main responsibility for the care of C (apart from the responsibility of A).

(4) The entitlement under paragraph (1) is not affected by the number of children placed for adoption through a single placement.

⁽¹⁾ Sections 75A and 75B were inserted by the Employment Act 2002 (c. 22), section 3. Section 75A(2A) was inserted by the Work and Families Act 2006 (c. 18), Schedule 1, paragraph 33. Sections 75A(2A) and 75B(3) were amended by the Children and Families Act 2014 (c. 6), section 118(4) and (5) (respectively).