

SCHEDULE

SHARED PARENTAL LEAVE IN SPECIAL CIRCUMSTANCES

PART 1

SHARED PARENTAL LEAVE (BIRTH)

Entitlement of mother to shared parental leave in the event of death of father or partner

4.—(1) Where P dies after M has given a notice under regulation 8, the provisions of the Regulations apply in respect of any period after P 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 “P” in regulation 3(1) if that person fell within that definition immediately before that person died;
- (b) regulation 4(2)(f) does not have effect;
- (c) in regulation 4(3)(a) for “P satisfies” substitute “immediately before P’s death P satisfied”.

(3) Regulation 11(3)(d) does not have effect.

(4) Where by reason of P’s death it is not reasonably practicable for M to satisfy a requirement under regulation 8, 12 or 15 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 M to give the notice as soon as reasonably practicable before the date on which the period of leave begins. The modification of regulation 12 or 15 applies only to the first notice given under either regulation 12 or 15 following the death P.

(5) The first notice given under either regulation 12 or 15 following the death of P must include the date of P’s death.

(6) Where at the time of P’s death M has given a combined total of three notices under regulations 12 and 15, in regulation 16(1) for “three” substitute “four”.

(7) Where an employer—

- (a) has made a request under regulation 10 and the 14 day period in paragraph (3), (4) or (5) has not ended, or
- (b) has not made a request under regulation 10,

before P dies, regulation 4(2)(f) does not have effect and regulation 10 is omitted.