

# CHILDREN AND FAMILIES ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 7 - Statutory Rights to Leave and Pay**

##### **Shared parental leave**

##### *Section 118: Exclusion or curtailment of other statutory rights to leave*

525. This section amends the ERA to allow regulations to be made which will enable a birth mother or primary adopter to bring their ordinary maternity or adoption leave to an end early. This will allow the person and/or their partner to access the new system of shared parental leave and pay.
526. This section allows regulations to be made which will set out the circumstances in which the birth mother or adoptive parent can change their mind about a decision to end their ordinary maternity or adoption leave early. It is intended that the birth mother will be able to revoke a decision made before the birth until a certain point (which will be set out in the regulations) after the birth.
527. This section provides that these regulations may only allow a birth mother or adoptive parent to bring their ordinary maternity or adoption leave to an end if they and the person with whom they share care of the child take certain steps in relation to the taking of shared parental leave or pay which will include giving notice to their employers where relevant.
528. This section also allows regulations to be made which will enable a birth mother or primary adopter to bring their additional maternity or adoption leave to an end early. It mirrors the provisions for ordinary maternity leave which are described above.
529. Finally, this section requires regulations to be made which will provide that the taking of shared parental leave prevents an employee from exercising the right to take any remaining paternity leave. This applies in both birth and adoption cases.