



Children and Families Act 2014

2014 CHAPTER 6

PART 7

STATUTORY RIGHTS TO LEAVE AND PAY

Shared parental leave

118 Exclusion or curtailment of other statutory rights to leave

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 71 (ordinary maternity leave)—
 - (a) in subsection (3), after paragraph (b) there is inserted—
 - “(ba) may allow an employee to bring forward the date on which an ordinary maternity leave period ends, subject to prescribed restrictions and subject to satisfying prescribed conditions;
 - (bb) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date;”;
 - (b) after subsection (3) there is inserted—

“(3A) Provision under subsection (3)(ba) is to secure that an employee may bring forward the date on which an ordinary maternity leave period ends only if the employee or another person has taken, or is taking, prescribed steps as regards leave under section 75E or statutory shared parental pay in respect of the child.”
- (3) In section 73 (additional maternity leave)—
 - (a) in subsection (3)(a), for the words from “to choose” to the end there is substituted “to bring forward the date on which an additional maternity leave period ends, subject to prescribed restrictions and subject to satisfying prescribed conditions;”;
 - (b) after subsection (3)(a) there is inserted—

Status: This is the original version (as it was originally enacted).

- “(aa) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date;”;
- (c) after subsection (3) there is inserted—
- “(3A) Provision under subsection (3)(a) is to secure that an employee may bring forward the date on which an additional maternity leave period ends only if the employee or another person has taken, or is taking, prescribed steps as regards leave under section 75E or statutory shared parental pay in respect of the child.”
- (4) In section 75A (ordinary adoption leave)—
- (a) in subsection (2A), after “subsection (2)” there is inserted “—
- (a) may allow an employee to bring forward the date on which an ordinary adoption leave period ends, subject to prescribed restrictions and subject to satisfying prescribed conditions;
- (b) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date;”;
- (b) in subsection (2A), the words from “may specify circumstances” to the end become paragraph (c);
- (c) after subsection (2A) there is inserted—
- “(2B) Provision under subsection (2A)(a) is to secure that an employee may bring forward the date on which an ordinary adoption leave period ends only if the employee or another person has taken, or is taking, prescribed steps as regards leave under section 75G or statutory shared parental pay in respect of the child.”
- (5) In section 75B (additional adoption leave)—
- (a) in subsection (3)(a), for the words from “to choose” to the end there is substituted “to bring forward the date on which an additional adoption leave period ends, subject to prescribed restrictions and subject to satisfying prescribed conditions;”;
- (b) after subsection (3)(a) there is inserted—
- “(aa) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date;”;
- (c) after subsection (3) there is inserted—
- “(3A) Provision under subsection (3)(a) is to secure that an employee may bring forward the date on which an additional adoption leave period ends only if the employee or another person has taken, or is taking, prescribed steps as regards leave under section 75G or statutory shared parental pay in respect of the child.”
- (6) In section 80A (entitlement to ordinary paternity leave: birth), after subsection (4) there is inserted—
- “(4A) Provision under subsection (2)(b) must secure that, once an employee takes leave under section 75E in respect of a child, the employee may not take leave under this section in respect of the child.”

Status: This is the original version (as it was originally enacted).

(7) In section 80B (entitlement to ordinary paternity leave: adoption), after subsection (4) there is inserted—

“(4A) Provision under subsection (2)(b) must secure that, once an employee takes leave under section 75G in respect of a child, the employee may not take leave under this section in respect of the child.”