

STATUTORY INSTRUMENTS

1999 No. 3312

The Maternity and Parental Leave etc. Regulations 1999

PART III

PARENTAL LEAVE

Entitlement to parental leave

13.—(1) An employee who—

- (a) has been continuously employed for a period of not less than a year [^{F1}or is to be treated as having been so employed by virtue of paragraph (1A)]; and
- (b) has, or expects to have, responsibility for a child,

is entitled, in accordance with these Regulations, to be absent from work on parental leave for the purpose of caring for that child.

^{F2}(1A)

(2) An employee has responsibility for a child, for the purposes of paragraph (1), if—

- (a) he has parental responsibility or, in Scotland, parental responsibilities for the child; or
- (b) he has been registered as the child's father under any provision of section 10(1) or 10A(1) of the Births and Deaths Registration Act 1953 ^{M1} or of section 18(1) or (2) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 ^{M2}.

^{F3}(3)

- F1** Words in [reg. 13\(1\)\(a\)](#) inserted (10.1.2002) by [The Maternity and Parental Leave \(Amendment\) Regulations 2001 \(S.I. 2001/4010\)](#), [regs. 1\(1\), 3\(a\)](#)
- F2** [Reg. 13\(1A\)](#) omitted (5.4.2015) by virtue of [The Maternity and Parental Leave etc. \(Amendment\) Regulations 2014 \(S.I. 2014/3221\)](#), [regs. 1\(3\), 3](#)
- F3** [Reg. 13\(3\)](#) omitted (10.1.2002) by virtue of [The Maternity and Parental Leave \(Amendment\) Regulations 2001 \(S.I. 2001/4010\)](#), [regs. 1\(1\), 3\(c\)](#)

Marginal Citations

- M1** 1953 c. 20; [sections 10](#) and [10A](#) were substituted by the [Family Law Reform Act 1987 \(c. 42\)](#), [sections 24](#) and [25](#).
- M2** 1965 c. 49; [section 18\(1\)](#) was substituted, and [section 18\(2\)](#) amended, by the [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9\)](#).

Extent of entitlement

14.—^{F4}(1) An employee is entitled to eighteen weeks' leave in respect of any individual child.]

^{F5}(1A)

(2) Where the period for which an employee is normally required, under his contract of employment, to work in the course of a week does not vary, a week's leave for the employee is a period of absence from work which is equal in duration to the period for which he is normally required to work.

(3) Where the period for which an employee is normally required, under his contract of employment, to work in the course of a week varies from week to week or over a longer period, or where he is normally required under his contract to work in some weeks but not in others, a week's leave for the employee is a period of absence from work which is equal in duration to the period calculated by dividing the total of the periods for which he is normally required to work in a year by 52.

(4) Where an employee takes leave in periods shorter than the period which constitutes, for him, a week's leave under whichever of paragraphs (2) and (3) is applicable in his case, he completes a week's leave when the aggregate of the periods of leave he has taken equals the period constituting a week's leave for him under the applicable paragraph.

F4 Reg. 14(1) substituted (8.3.2013) by [The Parental Leave \(EU Directive\) Regulations 2013 \(S.I. 2013/283\)](#), regs. 1, **3(2)(a)**

F5 Reg. 14(1A) omitted (8.3.2013) by virtue of [The Parental Leave \(EU Directive\) Regulations 2013 \(S.I. 2013/283\)](#), regs. 1, **3(2)(b)**

When parental leave may be taken

[^{F6}15. An employee may not exercise any entitlement to parental leave in respect of a child after the date of the child's 18th birthday.]

F6 Reg. 15 substituted (5.4.2015) by [The Maternity and Parental Leave etc. \(Amendment\) Regulations 2014 \(S.I. 2014/3221\)](#), regs. 1(3), 4

Default provisions in respect of parental leave

16. The provisions set out in Schedule 2 apply in relation to parental leave in the case of an employee whose contract of employment does not include a provision which—

- (a) confers an entitlement to absence from work for the purpose of caring for a child, and
- (b) incorporates or operates by reference to all or part of a collective agreement or workforce agreement.

[^{F7}Review

16A.—(1) The Secretary of State must from time to time—

- (a) carry out a review of regulations 13 to 16 and Schedule 2,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Council Directive 2010/18/EU of 8 March 2010 implementing the revised framework agreement on parental leave (which is implemented by means of regulations 13 to 16 and Schedule 2) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by those regulations,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.]

F7 [Reg. 16A](#) inserted (8.3.2013) by [The Parental Leave \(EU Directive\) Regulations 2013 \(S.I. 2013/283\)](#), regs. 1, **3(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Maternity and Parental Leave etc. Regulations 1999, PART III.