
STATUTORY INSTRUMENTS

2014 No. 3050

The Shared Parental Leave Regulations 2014

PART 2

ENTITLEMENT TO SHARED PARENTAL LEAVE (BIRTH)

CHAPTER 1

Entitlement to leave – general

Mother’s entitlement to shared parental leave

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

(2) The conditions are that—

- (a) M satisfies the continuity of employment test (see regulation 35);
- (b) M has, at the date of C’s birth, the main responsibility for the care of C (apart from the responsibility of P);
- (c) M is entitled to statutory maternity leave in respect of C;
- (d) M has ended any entitlement to statutory maternity leave by curtailing that leave under section 71(3)(ba) or 73(3)(a) of the 1996 Act (and that leave remains curtailed) or, where M has not curtailed in that way, M has returned to work before the end of her statutory maternity leave;
- (e) M has complied with regulation 8 (notice to employer of entitlement to shared parental leave);
- (f) M has complied with regulation 10(3) to (5) (evidence for employer); and
- (g) M has given a period of leave notice in accordance with regulation 12.

(3) The conditions are that—

- (a) P satisfies the employment and earnings test (see regulation 36); and
- (b) P has, at the date of C’s birth, the main responsibility for the care of C (apart from the responsibility of M).

(4) Entitlement under paragraph (1) is not affected by the number of children born or expected as a result of the same pregnancy.