Draft Regulations laid before Parliament under section 236(3) of the Employment Rights Act 1996, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. 0000

TERMS AND CONDITIONS OF EMPLOYMENT

The Maternity and Parental Leave etc. (Amendment) Regulations 2014

Made - - - -	*****
Coming into force	
for the purpose of regulations 1, 2 and 5	*1st December 2014*
for all other purposes	*5th April 2015*

A draft of these Regulations was laid before Parliament in accordance with section 236(3) of the Employment Rights Act 1996(**a**) and approved by a resolution of each House of Parliament.

The Secretary of State, in exercise of the powers conferred by sections 71(4)(c), 76(1) and (2), and 77(1)(c) of the Employment Rights Act 1996(**b**), makes the following Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Maternity and Parental Leave etc. (Amendment) Regulations 2014.

(2) This regulation and regulations 2 and 5 come into force on 1st December 2014.

(3) Regulations 3, 4 and 6 come into force on 5th April 2015.

Amendments to the Maternity and Parental Leave etc. Regulations 1999

2. The Maternity and Parental Leave etc. Regulations 1999(**c**) are amended as follows.

3. In regulation 13, omit paragraph (1A)(**d**).

4. For regulation 15 (when parental leave may be taken) substitute—

"**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."

(**a**) 1996 c. 18.
(**b**) Section 71(4)(c) was substituted by the Employment Act 2002 (c. 22), section 17. Sections 76 and 77 were substituted by the Employment Relations Act 1999 (c. 26), section 7, Schedule 4, Part 1.
(**c**) S.I. 1999/3312.
(**d**) Paragraph (1A) was inserted by S.I. 2001/4010.

5. In paragraph (1) of regulation 18 (right to return after maternity or parental leave)(**a**), for sub-paragraph (b) substitute—

"(b) the last of two or more consecutive periods of statutory leave which did not include—

(i) any period of parental leave of more than four weeks; or

(ii) any period of statutory leave which when added to any other period of statutory leave (excluding parental leave) taken in relation to the same child means that the total amount of statutory leave taken in relation to that child totals more than 26 weeks,".

6. In paragraph 2 of Schedule 2 (default provisions in respect of parental leave)—

(a) in sub-paragraph (b) omit "and";

(b) omit sub-paragraph (c).

Name
Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
Date Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Maternity and Parental Leave etc. Regulations 1999.

The Regulations remove a limitation on parental leave so as to permit the leave to be taken at any time before a child's eighteenth birthday. In addition, the Regulations amend the provision on the right to return after maternity and parental leave.

A separate impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment is the *Modern Workplaces: shared parental leave and pay administration consultation impact assessment* which was published in February 2013. A copy of that impact assessment can be obtained from the Department for Business, Innovation and Skills, Labour Market Directorate, 1 Victoria Street, London, SW1H 0ET. Copies have also been placed in the libraries of both Houses of Parliament.

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(**a**) Regulation 18 was substituted by S.I. 2002/2789.

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