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STATUTORY INSTRUMENTS

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**1996 No. 1919**

**The Employment Rights (Northern Ireland) Order 1996**

[<sup>F1</sup>PART IX

[<sup>F2</sup>CHAPTER 1B

SHARED PARENTAL LEAVE

[<sup>F1</sup>]<sup>F2</sup>**Entitlement to shared parental leave: adoption**

**107G.**—(1) The Department may make regulations entitling an employee who satisfies specified conditions—

- (a) as to duration of employment,
- (b) as to being a person with whom a child is, or is expected to be, placed for adoption under the law of any part of the United Kingdom,
- (c) as to caring or intending to care, with another person (“P”), for the child,
- (d) as to entitlement to adoption leave,
- (e) as to the exercise of that entitlement and the extent of any such exercise,
- (f) as to giving notice of an intention to exercise an entitlement to leave under this paragraph, and
- (g) as to the consent of P to the amount of leave under this paragraph that the employee intends to take,

to be absent from work on leave under this paragraph for the purpose of caring for the child.

(2) Regulations under paragraph (1) may provide that the employee's entitlement is subject to the satisfaction by P of specified conditions—

- (a) as to employment or self-employment,
- (b) as to having earnings of a specified amount for a specified period,
- (c) as to caring or intending to care, with the employee, for the child, and
- (d) as to relationship with the child or the employee.

(3) Provision under paragraph (1)(f) may require the employee to give notice to the employer about—

- (a) the amount of leave to which the employee would be entitled if the entitlement were fully exercised (disregarding for these purposes any intention of P to exercise an entitlement to leave under paragraph (4) or to statutory shared parental pay),
- (b) how much of the entitlement to leave the employee intends to exercise,
- (c) the extent to which P intends to exercise an entitlement to leave under paragraph (4) or to statutory shared parental pay.

(4) The Department may make regulations entitling an employee who satisfies specified conditions—

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- (a) as to duration of employment,
- (b) as to relationship with a child placed, or expected to be placed, for adoption under the law of any part of the United Kingdom or with a person (“A”) with whom the child is, or is expected to be, so placed,
- (c) as to caring or intending to care, with A, for the child,
- (d) as to giving notice of an intention to exercise an entitlement to leave under this paragraph, and
- (e) as to the consent of A to the amount of leave under this paragraph that the employee intends to take,

to be absent from work on leave under this paragraph for the purpose of caring for the child.

(5) Regulations under paragraph (4) may provide that the employee's entitlement is subject to the satisfaction by A of specified conditions—

- (a) as to employment or self-employment,
- (b) as to having earnings of a specified amount for a specified period,
- (c) as to caring or intending to care, with the employee, for the child,
- (d) as to entitlement (or lack of entitlement) to adoption leave or statutory adoption pay, and
- (e) as to the exercise of any such entitlement and the extent of any such exercise.

(6) Provision under paragraph (4)(d) may require the employee to give notice to the employer about—

- (a) the amount of leave to which the employee would be entitled if the entitlement were fully exercised (disregarding for these purposes any intention of A to exercise an entitlement to leave under paragraph (1) or to statutory shared parental pay),
- (b) how much of the entitlement to leave the employee intends to exercise,
- (c) the extent to which A intends to exercise an entitlement to leave under paragraph (1) or to statutory shared parental pay.]]

**F1** 1999 NI 9

**F2** Pt. 9 Ch. 1B inserted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), **ss. 2(2)**, 23(1); S.R. 2015/86, art. 3(1)(b)

**Modifications etc. (not altering text)**

**C1** Art. 107G applied (with modifications) (15.3.2015) by [The Employment Rights \(Northern Ireland\) Order 1996 \(Application of Articles 107G and 107I to Adoptions from Overseas\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/97\)](#), reg. 1, **Sch.**

**C2** Art. 107G applied (with modifications) (15.3.2015) by [The Employment Rights \(Northern Ireland\) Order 1996 \(Application of Articles 107A, 107B, 107G, 107I, 112A and 112B to Parental Order Cases\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/100\)](#), reg. 1(1), **Sch. 1**

**C3** Art. 107G amendment to earlier affecting provision S.R. 2015/100, reg. 3, Sch. 1 (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial\) Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), **Sch. 2 para. 12**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act applied with modifications by [S.R. 2023/156 reg. 15](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Pt. 7A inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 1](#)
- Ch. 5 inserted by [2022 c. 27 \(N.I.\) s. 1\(1\)](#)
- art. 21(4B) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 2](#)
- art. 23(1)(zza) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 3](#)
- art. 70F inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 4](#)
- art. 70G inserted by [2020 c. 7 Sch. 7 para. 20](#)
- art. 71(1C) inserted by [2020 c. 7 Sch. 7 para. 21\(a\)](#)
- art. 72(8) inserted by [2020 c. 7 Sch. 7 para. 22\(b\)](#)
- art. 85ZS(3)(a)-(c) substituted for words by [2022 c. 18 \(N.I.\) Sch. 3 para. 47\(4\)](#)
- art. 95F(5A) inserted by [2016 c. 15 \(N.I.\) Sch. 2 para. 32](#)
- art. 135E inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 6](#)
- art. 135G inserted by [2020 c. 7 Sch. 7 para. 25](#)
- art. 137(6D) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 7](#)
- art. 137(7N) inserted by [2020 c. 7 Sch. 7 para. 26\(b\)](#)
- art. 140(3)(fj) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 8](#)
- art. 140(3)(fl) inserted by [2020 c. 7 Sch. 7 para. 27](#)
- art. 143(2)(ddd) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 9](#)
- art. 144(2)(ddd) inserted by [2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 10](#)