

SCHEDULE 2

Regulation 16

Default provisions in respect of parental leave

Conditions of entitlement

1. An employee may not exercise any entitlement to parental leave unless—
 - (a) he has complied with any request made by his employer to produce for the employer's inspection evidence of the entitlement, of the kind described in paragraph 2;
 - (b) he has given his employer notice, in accordance with whichever of paragraphs 3 to 5 is applicable, of the period of leave he proposes to take; and
 - (c) in a case where paragraph 6 applies, his employer has not postponed the period of leave in accordance with that paragraph.
2. The evidence to be produced for the purpose of paragraph 1(a) is such evidence as may reasonably be required of—
 - (a) the employee's responsibility or expected responsibility for the child in respect of whom the employee proposes to take parental leave; and
 - (b) the child's date of birth or, in the case of a child who was placed with the employee for adoption, the date on which the placement began, and
 - (c) in a case where the employee's entitlement to parental leave under regulation 15, or to take a particular period of leave under paragraph 7, depends upon whether the child is entitled to a disability leaving allowance, the child's entitlement to that allowance.
3. Except in a case where paragraph 4 or 5 applies, the notice required for the purpose of paragraph 1(b) is notice which—
 - (a) specifies the dates on which the period of leave is to begin and end, and
 - (b) is given to the employer, at least 21 days before the date on which that period is to begin.
4. Where the employee is the father of the child in respect of whom the leave is to be taken, and the period of leave is to begin on the date on which the child is born, the notice required for the purpose of paragraph 1(b) is notice which—
 - (a) specifies the expected week of childbirth and the duration of the period of leave, and
 - (b) is given to the employer at least thirteen weeks before the beginning of the expected week of childbirth.
5. Where the child in respect of whom the leave is to be taken is to be placed with the employee for adoption by him and the leave is to begin on the date of the placement, the notice required for the purpose of paragraph 1(b) is notice which—
 - (a) specifies the week in which the placement is expected to occur and the duration of the period of leave, and
 - (b) is given to the employer at least 21 days before the beginning of that week, or, if that is not reasonably practicable, as soon as is reasonably practicable.

Postponement of leave

6. An employer may postpone a period of parental leave where—
 - (a) neither paragraph 4 nor paragraph 5 applies, and the employee has accordingly given the employer notice in accordance with paragraph 3;

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- (b) the employer considers that the operation of his business would be unduly disrupted if the employee took leave during the period identified in his notice;
- (c) the employer agrees to permit the employee to take a period of leave—
 - (i) of the same duration as the period identified in the employee’s notice, and
 - (ii) beginning on a date determined by the employer after consulting the employee which is no later than six months after the commencement of that period;
- (d) the employer gives the employee notice in writing of the postponement which—
 - (i) states the reason for it, and
 - (ii) specifies the dates on which the period of leave the employer agrees to permit the employee to take will begin and end; and
- (e) that notice is given to the employee not more than seven days after the employee’s notice was given to the employer.

Minimum periods of leave

7. An employee may not take parental leave in a period other than the period which constitutes a week’s leave for him under regulation 14 or a multiple of that period, except in a case where the child in respect of whom leave is taken is entitled to a disability living allowance.

Maximum annual leave allowance

8. An employee may not take more than four week’s leave in respect of any individual child during a particular year.

- 9. For the purposes of paragraph 8, a year is the period of twelve months beginning—
 - (a) except where sub-paragraph (b) applies, on the date on which the employee first became entitled to take parental leave in respect of the child in question, or
 - (b) in a case where the employee’s entitlement has been interrupted at the end of a period of continuous employment, on the date on which the employee most recently became entitled to take parental leave in respect of that child,

and each successive period of twelve months beginning on the anniversary of that date.