

Regulations made by the Department for Employment and Learning and laid before the Assembly under Article 251(1A) of the Employment Rights (Northern Ireland) Order 1996 for approval of the Assembly before the expiration of six months from the date of their coming into operation.

STATUTORY RULES OF NORTHERN IRELAND

2015 No. 104

EMPLOYMENT

WORK AND FAMILIES

**The Maternity and Parental Leave etc.
(Amendment) Regulations (Northern Ireland) 2015**

*Made - - - - 2nd March 2015
Coming into operation in accordance with
regulation 1(2) and (3)*

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by Articles 103(4)(c), 108(1) and (2), and 109(1)(c) of the Employment Rights (Northern Ireland) Order 1996(1).

Citation and commencement

1.—(1) These Regulations may be cited as the Maternity and Parental Leave etc. (Amendment) Regulations (Northern Ireland) 2015.

(2) This regulation and regulations 2 and 5 come into operation on 15th March 2015.

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

Amendments to the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999

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

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

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

(1) [S.I. 1996/1919 \(N.I. 16\)](#). Article 103(4)(c) was substituted by the Employment (Northern Ireland) Order 2002 ([S.I. 2002/2836 \(N.I. 2\)](#)), Article 14. Articles 103, 108 and 109 were substituted by the Employment Relations (Northern Ireland) Order 1999 ([S.I. 1999/2790 \(N.I. 9\)](#)), Article 9, Schedule 4, Part 1.

(2) [S.R. 1999 No. 471](#).

(3) Paragraph (1A) was inserted by [S.R. 2002 No. 135](#).

(4) Regulation 15 was substituted by [S.R. 2002 No.135](#) and amended by [S.I. 2013/3021](#).

“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.”

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

“(b) “(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)(6)—

(a) in sub-paragraph (b) omit “and”;

(b) omit sub-paragraph (c).

Sealed with the Official Seal of the Department for Employment and Learning on 2nd March 2015.



Dr Stephen Farry
Minister for Employment and Learning

(5) Regulation 18 was substituted by [S.R. 2002 No. 355](#).
(6) Paragraph 2 of Schedule 2 was amended by [S.I. 2013/3021](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Maternity and Parental Leave etc. Regulations (Northern Ireland) 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 concerning the right to return after maternity and parental leave.

An impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impacts were assessed within the document 'Sharing parental rights, extending flexibility at work – public consultation', published in May 2013 (www.delni.gov.uk/index/consultation-zone/archived-consultations/archived-consultations-2013/working-parents-rights.htm), and supplemented by a further publication in April 2014 (www.delni.gov.uk/index/publications/equality-good-relations/shared-parental-leave-and-pay.htm).