

Shared Parental Leave and Pay (Bereavement) Bill

[AS INTRODUCED]

CONTENTS

Shared parental leave: entitlement in the event of death

- 1 Removal of continuity of employment conditions: birth
- 2 Removal of duration of employment conditions: adoption

Statutory shared parental pay: entitlement in the event of death

- 3 Removal of continuity of employment conditions etc: birth and adoption

Final provisions

- 4 Future exercise of regulation making powers
- 5 Expenditure
- 6 Extent, commencement and citation

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Make provision about shared parental leave and pay in certain cases where one or both of a child's parents has died; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Shared parental leave: entitlement in the event of death

1 Removal of continuity of employment conditions: birth

- (1) The Schedule to the Shared Parental Leave Regulations 2014 (S.I. 2014/3050) is amended as follows.
- (2) In paragraph 1 (entitlement of father or partner to shared parental leave in the event of death of mother before curtailment), in sub-paragraph (2), after paragraph (a) insert—
“(aa) regulation 5(2)(a) (continuity of employment condition) does not have effect;”.
- (3) In paragraph 4 (entitlement of mother to shared parental leave in the event of death of father or partner), in sub-paragraph (2), after paragraph (a) insert—
“(aa) regulation 4(2)(a) (continuity of employment condition) does not have effect;”.

2 Removal of duration of employment conditions: adoption

- (1) The Schedule to the Shared Parental Leave Regulations 2014 (S.I. 2014/3050) is amended as follows.
- (2) In paragraph 6 (entitlement of adopter's partner to shared parental leave in the event of death of adopter before curtailment), in sub-paragraph (2), after paragraph (a) insert—
“(aa) regulation 21(2)(a) (continuity of employment condition) does not have effect;”.

- (3) In paragraph 9 (entitlement of adopter to shared parental leave in the event of death of adopter's partner), in sub-paragraph (2), after paragraph (a) insert—
- “(aa) regulation 20(2)(a) (continuity of employment condition) does not have effect;”.

Statutory shared parental pay: entitlement in the event of death

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3 Removal of continuity of employment conditions etc: birth and adoption

- (1) The Schedule to the Statutory Shared Parental Pay (General) Regulations 2014 (S.I. 2014/3051) is amended as follows.
- (2) In paragraph 1 (entitlement of father or partner to statutory shared parental pay (birth) in the event of the death of mother before curtailment), in sub-paragraph (3), before paragraph (a) insert—
- “(za) paragraph (2)(a) (continuity of employment and normal weekly earnings conditions) shall not apply;”.
- (3) In paragraph 7 (entitlement of adopter's partner to statutory shared parental pay (adoption) in the event of the death of adopter before curtailment) in sub-paragraph (3), before paragraph (a) insert—
- “(za) paragraph (2)(a) (continuity of employment and normal weekly earnings conditions) shall not apply;”.

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Final provisions

4 Future exercise of regulation making powers

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- (1) Subject to subsection (2), nothing in this Act prevents the Secretary of State from exercising any power to make regulations to make provision relating to shared parental leave or statutory shared parental pay.
- (2) If the Secretary of State exercises any power to make regulations for the purposes of—
- (a) modifying or replacing the SPL Regulations, or
- (b) modifying or replacing any regulations that replace the SPL Regulations,
- the Secretary of State must ensure that any such regulations produce, or continue to produce, an effect that is equivalent to the amendments made by sections 1, 2 and 3.
- (3) Any power used to modify or replace the SPL Regulations is to be read as including a power to make consequential amendments to sections 1, 2 and 3.
- (4) In this section, the “SPL Regulations” means—
- (a) the Shared Parental Leave Regulations 2014 (S.I. 2014/3050), and
- (b) the Statutory Shared Parental Pay (General) Regulations 2014 (S.I. 2014/3051).

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5 Expenditure

There is to be paid out of money provided by Parliament –

- (a) any expenditure incurred under or by virtue of this Act; and*
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.*

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6 Extent, commencement and citation

- (1) This Act extends to England and Wales and Scotland.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act may be cited as the Shared Parental Leave and Pay (Bereavement) Act 2023.

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Ordered, by The House of Commons, to be
Printed, 20th December 2022.

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