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 Paternity and Adoption Leave (Amendment) (No. 2) Regulations 2014

Made - - - -	***
Coming into force - -	*5th April 2015*

A draft of these Regulations was laid before Parliament in accordance with section 236(3) of the Employment Rights Act 1996(**1**), for approval by resolution of each House of Parliament.

The Secretary of State, in exercise of the powers conferred by sections 75A(1) and (1A), 75D(2), 80B(1), (5)(aa), (6A) and (6B), of the Employment Rights Act 1996(**2**), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Paternity and Adoption Leave (Amendment) (No. 2) Regulations 2014 and come into force on 5th April 2015.

Application

2.—(1) The amendments made by these Regulations have effect only in relation to children matched with a person who is notified of having been matched on or after 5th April 2015.

(2) For the purposes of paragraph (1), "matched" has the meaning given in regulation 2 of the Paternity and Adoption Leave Regulations 2002(**3**) (as amended by regulation 4 of these Regulations).

(**1**) 1996 c. 18. Section 236(3) was amended by the Children and Families Act 2014 (c. 6), section 117(2); there are other amending instruments but none is relevant.

(**2**) Sections 75A and 75D were inserted by the Employment Act 2002 (c. 22), section 3. Section 75A(1A) was inserted by the Children and Families Act 2014, section 121(1). Section 80B was inserted by the Employment Act 2002, section 1. Section 80B(5)(aa) was inserted by the Children and Families Act 2014, section 121(2)(a). Section 80B(6A) and (6B) was inserted by the Children and Families Act 2014, section 121(2)(b).

(**3**) S.I. 2002/2788.

Amendments to the Paternity and Adoption Leave Regulations 2002

3. The Paternity and Adoption Leave Regulations 2002 are amended as follows.

4.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1) after the definition of "paternity leave" insert—

""placed for adoption" means—

(a) placed for adoption under the Adoption and Children Act 2002(**4**) or the Adoption and Children (Scotland) Act 2007(**5**); or

(b) placed in accordance with section 22C of the Children Act 1989(**6**) with a local authority foster parent who is also a prospective adopter;

"prospective adopter" means a person who has been approved as suitable to adopt a child and has been notified of that decision in accordance with regulation 30B(4) of the Adoption Agencies Regulations 2005(**7**);".

(3) For paragraph (4) substitute—

"(4) For the purposes of these Regulations—

(a) a person is matched with a child for adoption when an adoption agency decides that that person would be a suitable adoptive parent for the child either individually or jointly with another person;

(b) in a case where sub-paragraph (a) applies, a person is notified of having been matched with a child on the date on which the person receives notification of the agency's decision, under regulation 33(3)(a) of the Adoption Agencies Regulations 2005, regulation 28(3) of the Adoption Agencies (Wales) Regulations 2005(**8**), or regulation 8(5) of the Adoption Agencies (Scotland) Regulations 2009(**9**);

(c) a person is also matched with a child for adoption when a decision has been made in accordance with regulation 22A of the Care Planning, Placement and Case Review (England) Regulations 2010(**10**) and an adoption agency has identified that person with whom the child is to be placed in accordance with regulation 12B of the Adoption Agencies Regulations 2005(**11**);

(d) in a case where paragraph (c) applies, a person is notified of having been matched with a child on the date on which that person receives notification in accordance with regulation 12B(2)(a) of the Adoption Agencies Regulations 2005 of the decision to place for adoption the child with that person.

(4A) For the purposes of these Regulations, a person elects to be a child's adopter, in a case where the child is matched with him and another person jointly, if he and that person agree, at the time at which they are matched that he and not the other person will be the adopter.".

5.—(1) Regulation 8 (entitlement to paternity leave: adoption) is amended as follows.

(**4**) 2002 c. 38.
(**5**) 2007 asp 4.
(**6**) 1989 c.41. Section 22C was inserted by the Children and Young Persons Act 2008, section 8(1), and subsections (9A) to (C) were inserted by the Children and Families Act 2014, section 2.
(**7**) S.I. 2005/389; regulation 30B was inserted by S.I. 2013/985.
(**8**) S.I. 2005/1313.
(**9**) S.S.I. 2009/154.
(**10**) S.I. 2010/959; amended by S.I. 2014/1556; there is another amending instrument but it is not relevant.
(**11**) Regulation 12B was inserted by S.I. 2014/1556.