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 Employment Rights Act 1996 (Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases) Regulations 2014

Made - - - -	***
Coming into force - -	*25th November 2014*

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

The Secretary of State, in exercise of the powers conferred by sections 75A(8), 75B(9), 75H(18), 80B(9) and 236(5) of the Employment Rights Act 1996(**2**), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Employment Rights Act 1996 (Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases) Regulations 2014 and come into force on 25th November 2014.

(2) In these Regulations—

"the Act" means the Employment Rights Act 1996;

"intended parent", in relation to a child, means a person who, on the day of the child's birth—

(a) applies, or intends to apply during the period of 6 months beginning with that day, with another person for a parental order in respect of the child, and

(b) expects the court to make a parental order on that application in respect of the child;

(**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**) Section 75A was inserted by the Employment Act 2002 (c. 22), section 3, and amended by the Work and Families Act 2006 (c. 18), Schedule 1, paragraph 33, and the Children and Families Act 2014, sections 118(4), 121(1), and 122(1). Section 75B was inserted by the Employment Act 2002, section 3, and amended by the Work and Families Act 2006, Schedule 1, paragraph 34, and the Children and Families Act 2014, sections 118(5), 121(2), and 122(2). Section 75H was inserted by the Children and Families Act 2014, section 117. Section 80B was inserted by the Employment Act 2002, section 1, and amended by the Children and Families Act 2014, sections 118(7) and 122(4).

"parental order" means an order under section 54(1) of the Human Fertilisation and Embryology Act 2008; and

"parental order parent" means a person—

(a) on whose application the court has made a parental order in respect of a child, or

(b) who is an intended parent of a child.

Application of sections 75A and 75B of the Act to parental order parents

2. Sections 75A and 75B of the Act have effect in relation to parental order parents.

Application of sections 75G and 75H of the Act to parental order parents

3. Sections 75G and 75H of the Act(**3**) have effect in relation to parental order parents with the modifications specified in the second column of Schedule 1 to these Regulations.

Application of sections 80A and 80B of the Act to parental order parents

4. Sections 80A(**4**) and 80B of the Act have effect in relation to parental order parents with the modifications specified in the second column of Schedule 2 to these Regulations.

Name
Parliamentary Under Secretary of State for
Employment Relations and Consumer Affairs
Date Department for Business, Innovation and Skills

(**3**) Section 75G was inserted by the Children and Families Act 2014, section 117.
(**4**) Section 80A was inserted by the Employment Act 2002, section 1.

SCHEDULE 1

Regulation 3

Provision	*Modification*
Section 75G	For paragraph (b) of subsection (1) substitute— "(b) as to being a person— (i) on whose application the court has made a parental order in respect of a child, or (ii) who is an intended parent of a child,". For paragraph (b) of subsection (4) substitute— "(b) as to being a person— (i) on whose application the court has made a parental order in respect of a child, or (ii) who is an intended parent of a child, (ba) as to relationship with the other person ("A") on whose application the parental order was made or who is an intended parent of the child,". After subsection (6) insert— "(6A) In this section and section 75H— "intended parent", in relation to a child, means a person who, on the day of the child's birth— (a) applies, or intends to apply during the period of 6 months beginning with that day, with another person for a parental order in respect of the child, and (b) expects the court to make a parental order on that application in respect of the child; and "parental order" means an order under section 54(1) of the Human Fertilisation and Embryology Act 2008.". Omit subsection (7). Omit subsection (8).
Section 75H	In paragraph (a) of subsection (2), for "with whom the child is, or is expected to be placed for adoption" substitute "on whose application the court has made a parental order in respect of the child or who is an intended parent of the child". In paragraph (b) of subsection (2), for "with whom the child is, or is expected to be placed for adoption" substitute "on whose application the