
STATUTORY INSTRUMENTS

2024 No. 329

The Paternity Leave (Amendment) Regulations 2024

PART 3

**Amendments to the Paternity and Adoption Leave
(Adoption from Overseas) Regulations 2003**

17. The Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003⁽¹⁾ are amended in accordance with regulations 18 to 20.

18. In regulation 7 (entitlement to paternity leave: adoption from overseas)—

(a) for the modification to paragraph (1) of regulation 9, substitute—

“(1) An employee may choose to take either—

- (a) a single period of leave of either one week or two weeks, or
- (b) two non-consecutive periods of leave of a week each

in respect of a child under regulation 8.”;

(b) in the modification to paragraph (2) of regulation 9, for the words “56 days” substitute “52 weeks”;

(c) for the modification to regulation 10, substitute—

“Notice and evidential requirements for leave under regulation 8

10.—(1) An employee must give their employer—

(a) notice of their entitlement to take leave in respect of a child under regulation 8 which specifies—

- (i) the date on which the adopter of the child received an official notification, and
- (ii) the date on which the child is expected to enter Great Britain or, where the child has already entered Great Britain, the date of entry, and

(b) a declaration in writing that—

- (i) the employee satisfies the conditions in regulation 8(2)(c) and (d), and
- (ii) the adopter of the child has received an official notification.

(2) An employee must also give their employer, on each occasion that a period of leave is chosen in accordance with regulation 9—

(a) a notice that specifies the start day or date of that period of leave and its duration, and

⁽¹⁾ [S.I. 2003/921](#), which applies the Paternity and Adoption Leave Regulations 2002, with modifications, to adoptions from overseas.

- (b) a declaration in writing that the purpose of the period of leave will be that specified in regulation 8(1).
- (3) The notice and declaration in paragraph (1) must be given to the employer—
 - (a) no more than 28 days after whichever is the later of—
 - (i) the date on which the adopter of the child receives the official notification, or
 - (ii) the date on which the employee completes 26 weeks' continuous employment with the employer, or
 - (b) if it is not reasonably practicable to do so, as soon as is reasonably practicable.
- (4) The notice and declaration in paragraph (2) must be given to the employer at least 28 days before—
 - (a) the date which the employee has notified in accordance with paragraph (1)(a)
 - (ii) as the date on which the child is expected to enter Great Britain, where the option in regulation 9(3)(a) is chosen;
 - (b) the predetermined date, where the option in regulation 9(3)(b) is chosen;
 or, if it is not reasonably practicable to do so, as soon as is reasonably practicable.
- (5) An employee who has previously given notice under paragraph (2)(a) or (8) or this paragraph may—
 - (a) vary the day or date chosen as the day or date on which a period of leave will begin or end, or
 - (b) cancel the period of leave chosen,
 provided that notice of the variation or cancellation is given to the employer in accordance with paragraph (6).
- (6) A notice under paragraph (5) must be given by whichever is the earlier of at least 28 days before—
 - (a) the original day or date referred to in paragraph (7)(a), or
 - (b) the new day or date referred to in paragraph (7)(b),
 or, if it is not reasonably practicable to do so, as soon as is reasonably practicable.
- (7) For the purposes of—
 - (a) paragraph (6)(a), where a notice has previously been given under either paragraph (2)(a), (5) or (8), the original day or date is—
 - (i) the date provided under paragraph (4)(a) as the date on which the child is expected to enter Great Britain, where the option in regulation 9(3)(a) was chosen in that notice;
 - (ii) the predetermined date specified in that notice, where the option in regulation 9(3)(b) was chosen;
 - (b) paragraph (6)(b), the new day or date is—
 - (i) the date provided under paragraph (4)(a) as the date on which the child is expected to enter Great Britain, where the option in regulation 9(3)(a) is chosen in the notice of variation;
 - (ii) the predetermined date specified in the notice of variation, where the option in regulation 9(3)(b) is chosen.
- (8) In a case where—

- (a) the employee has chosen to begin a period of leave on a particular predetermined date, and
- (b) the child has not entered Great Britain on or before that date,

the employee must vary the choice of date, by substituting a later predetermined date or exercising an alternative option under regulation 9, and must give the employer notice of the variation as soon as is reasonably practicable.

(9) Where a notice is given under paragraph (5) or (8) which varies the days or dates of a period of leave, a declaration under paragraph (2)(b) in relation to that period must be given at the same time as that notice.

(10) An employee must give their employer a further notice of the date on which the child enters Great Britain, within 28 days of that date or, if that is not reasonably practicable, as soon as is reasonably practicable, unless that information has already been provided under paragraph (1)(a)(ii).

(11) Notice under paragraph (1)(a), (2)(a), (5), (8) and (10) must be given in writing, if the employer so requests.

(12) Where it becomes known to the employee that the child will not enter Great Britain, the employee must notify the employer of the fact as soon as is reasonably practicable.”.

19. For regulation 8 substitute—

“Commencement of leave under regulation 8

8.—(1) In regulation 11 of the Leave Regulations—

- (a) in sub-paragraph (b) of paragraph (1), for “regulation 10(4) or (7)”, substitute “regulation 10(5) or (8)”;
- (b) in sub-paragraph (a) of paragraph (2), for “is placed with the adopter” substitute “enters Great Britain”;
- (c) in paragraph (6), for “10(4)(b)” substitute “10(5)(b)”.”.

20. After regulation 8, insert—

“Change in circumstances

8A. In regulation 11A—

- (a) in paragraph (2), for sub-paragraphs (a) and (b) substitute—
 - “(a) the child ceases to live with the adopter, or
 - (b) the child dies.”;
- (b) in paragraph (4), for sub-paragraphs (a), (b) and (c) substitute—
 - “(a) in a case falling within paragraph (2)(a), the week during which the child ceased to live with the adopter;
 - (b) in a case falling within paragraph (2)(b), the week during which the child dies.”;
- (c) in paragraph (6), for “10(4)(b)” substitute “10(5)(b)”.”.