

*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

2004 No.

EMPLOYMENT

TERMS AND CONDITIONS OF EMPLOYMENT

The Paternity and Adoption Leave
(Amendment) Regulations 2004

Made - - - - 2004
Coming into force - - 6th April 2004

Whereas a draft of the following Regulations was laid before Parliament in accordance with section 236(3) of the Employment Rights Act 1996(1) and approved by a resolution of each House of Parliament:

Now, therefore the Secretary of State, in exercise of the powers conferred upon her by sections 75A(7), 75B(8), 75D(1) of that Act (2) hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Paternity and Adoption Leave (Amendment) Regulations 2004 and shall come into force on 6th April 2004.

(2) In these Regulations, “The Principal Regulations” means the Paternity and Adoption Leave Regulations 2002(3).

Amendments to the Principal Regulations

2. The Principal Regulations shall be amended as provided in regulations 3 and 4.

3. Omit paragraph (3)(b) of regulation 17 (notice and evidential requirements for ordinary adoption leave).

4. In paragraph (b) of regulation 27(1) (incidents of the right to return from adoption leave) omit “as to remuneration”.

(1) 1996 (c. 18); section 236(3) was amended by paragraph 42 of Part 3 of Schedule 4 to the Employment Relations Act 1999 (c. 26) and paragraph 49 of Schedule 7 to the Employment Act 2002 (c. 22).
(2) Sections 75A to 75D were inserted by section 3 of the Employment Act 2002.
(3) S.I.2002/2788.

2004

Parliamentary Under-Secretary for Employment
Relations, Competition and Consumers,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend provisions relating to adoption leave in the Paternity and Adoption Leave Regulations 2002 (“the Principal Regulations”). Regulation 3 removes the provision enabling an employer to request the name and date of birth of a child in respect of whom leave is taken (regulation 17(3) of the Principal Regulations). Regulation 4 amends regulation 27 of the Principal Regulations to provide that all terms and conditions applying in relation to an employee returning to work from adoption leave, not just those relating to remuneration, are to be not less favourable than those which would have applied if the employee had not been absent.

A Regulatory Impact Assessment of the estimated costs and benefits of these and other technical amendments proposed to the paternity and adoption pay and leave schemes has been prepared by the Department of Trade and Industry and has been placed in the Libraries of both Houses of Parliament. Copies are available to the public free of charge from Employment Relations Directorate, Room UG129, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET and on the DTI website at www.dti.gov.uk