

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 75A and 75B of the Employment Rights Act 1996 give employees who are adopting a child under the law of any part of the United Kingdom and who satisfy prescribed conditions the right to take ordinary adoption leave and additional adoption leave. These sections also allow an employee who is entitled to ordinary or additional adoption leave to curtail that leave to access shared parental leave. These Regulations provide that those sections have effect in relation to parental order parents. A parental order parent is a person who has applied, or intends to apply, with another person, under section 54 of the Human Fertilisation and Embryology Act 2008 for a parental order in respect of a child or someone who has such an order.

Sections 75G and 75H of the Employment Rights Act 1996 contain powers under which the Secretary of State may make regulations entitling an employee who is adopting a child under the law of any part of the United Kingdom, or has a specified relationship with such an adopter, to shared parental leave. These Regulations make the necessary modifications to sections 75G and 75H to provide for those sections to have effect in relation to parental order parents.

Section 80B of the Employment Rights Act 1996 contains powers under which the Secretary of State may make regulations entitling an employee who satisfies specified conditions to paternity leave. These Regulations make the necessary modifications to section 80B to provide for that section to have effect in relation to parental order parents. In addition, these Regulations modify section 80A of the Employment Rights Act 1996 to allow the Secretary of State to make regulations which provide that an employee does not have an entitlement to paternity leave under that section where the employee has the right to paternity leave under section 80B or to adoption leave under section 75A of the Employment Rights Act 1996.

An impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment is the *Modern Workplaces: shared parental leave and pay administration consultation impact assessment* which was published in February 2013. A copy of that impact assessment can be obtained from the Department for Business, Innovation and Skills, Labour Market Directorate, 1 Victoria Street, London, SW1H 0ET. Copies have also been placed in the libraries of both Houses of Parliament.