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DRAFT STATUTORY INSTRUMENTS

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**2020 No.**

**The Parental Bereavement Leave Regulations 2020**

**PART 1**

**GENERAL**

**Citation, commencement and extent**

1. These Regulations may be cited as the Parental Bereavement Leave Regulations 2020 and come into force on the day after the day on which they are made.

**Application**

2. These Regulations apply in respect of children who die on or after 6th April 2020.

**Interpretation**

3. In these Regulations—

“the 1996 Act” means the Employment Rights Act 1996;

“adopter” means a person who intends to adopt C;

“C” means the child in relation to whom an entitlement to parental bereavement leave arises;

“intended parent” means a person who—

(a) has applied, or intended to apply during the period of 6 months beginning with the day of C’s birth—

(i) with another person for an order under section 54 (parental orders: two applicants) of the Human Fertilisation and Embryology Act 2008<sup>(1)</sup> in respect of C, or

(ii) as the sole applicant for an order under section 54A (parental orders: one applicant) of that Act<sup>(2)</sup> in respect of C, and

(b) expected the court to make such an order on that application in respect of C;

“official notification” means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of C, or has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent;

“parental bereavement leave” means leave under regulation 4;

“placed for adoption” means placed—

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(1) 2008 c. 22; section 54 was amended by the Crime and Courts Act 2013 (c. 22), Schedule 11, Part 1, paragraph 206 and by S.I. 2018/1413.

(2) Section 54A was inserted by S.I. 2018/1413.

- (a) for adoption under the Adoption and Children Act 2002<sup>(3)</sup> or the Adoption and Children (Scotland) Act 2007<sup>(4)</sup>,
- (b) in accordance with section 22C of the Children Act 1989<sup>(5)</sup> (ways in which looked after children are to be accommodated and maintained) with a local authority foster parent who is also a prospective adopter, following consideration in accordance with subsection (9B) (c) of that section<sup>(6)</sup>, or
- (c) in accordance with section 81 of the Social Services and Well-being (Wales) Act 2014<sup>(7)</sup> with a prospective adopter, following consideration in accordance with subsection (10) of that section;

“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<sup>(8)</sup> or regulation 28(3) of the Adoption Agencies (Wales) Regulations 2005<sup>(9)</sup>;

“relevant domestic authority” means—

- (a) in the case of an adopter to whom Part 3 of the Adoptions with a Foreign Element Regulations 2005<sup>(10)</sup> apply and who is habitually resident in Wales, the National Assembly for Wales,
- (b) in the case of an adopter to whom the Adoptions with a Foreign Element (Scotland) Regulations 2009<sup>(11)</sup> apply and who is habitually resident in Scotland, the Scottish Ministers, and
- (c) in any other case, the Secretary of State;

“statutory leave” means leave provided for in Part 8 of the 1996 Act.

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(3) 2002 c. 38.

(4) 2007 asp 4.

(5) 1989 c. 41.

(6) Section 22C was inserted by the Children and Young Persons Act 2008 (c. 23), section 8 and amended by the Children and Families Act 2014 (c. 6), section 2 and Schedule 2, Part 1, paragraph 29. S.I. 2016/413 and S.I. 2018/195.

(7) 2014 anaw/dccc 4.

(8) S.I. 2005/389; regulation 30B was substituted by S.I. 2013/985.

(9) S.I. 2005/1313.

(10) S.I. 2005/392, to which there are amendments not relevant to these Regulations.

(11) S.S.I. 2009/182, to which there are amendments not relevant to these Regulations.