
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Parental Bereavement Leave Regulations 2020

PART 1

GENERAL

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(1) in respect of C, or

(ii) as the sole applicant for an order under section 54A (parental orders: one applicant) of that Act(2) 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—

(a) for adoption under the Adoption and Children Act 2002(3) or the Adoption and Children (Scotland) Act 2007(4),

(b) in accordance with section 22C of the Children Act 1989(5) (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(6), or

(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.

(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.

- (c) in accordance with section 81 of the Social Services and Well-being (Wales) Act 2014⁽⁷⁾ 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⁽⁸⁾ or regulation 28(3) of the Adoption Agencies (Wales) Regulations 2005⁽⁹⁾;

“relevant domestic authority” means—

- (a) in the case of an adopter to whom Part 3 of the Adoptions with a Foreign Element Regulations 2005⁽¹⁰⁾ 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⁽¹¹⁾ 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.

⁽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.