



# Employment Rights Act 1996

## 1996 CHAPTER 18

### [<sup>F1</sup>PART VIII

#### [<sup>F2</sup>CHAPTER 1A

##### ADOPTION LEAVE

#### [<sup>F1</sup>] [<sup>F2</sup> 75A] **Ordinary adoption leave**

- (1) An employee who satisfies prescribed conditions may be absent from work at any time during an ordinary adoption leave period.

[ The conditions that may be prescribed under subsection (1) include conditions as to—

- <sup>F3</sup>(1A) (a) being a local authority foster parent;  
(b) being approved as a prospective adopter;  
(c) [<sup>F4</sup>being notified—  
(i) by a local authority in England that a child is to be, or is expected to be, placed with the employee under section 22C of the Children Act 1989;  
(ii) by a local authority in Wales that a child is to be, or is expected to be, placed with the employee under section 81 of the Social Services and Well-being (Wales) Act 2014.]

- (2) An ordinary adoption leave period is a period calculated in accordance with regulations made by the Secretary of State.

[ Regulations under subsection (2)[<sup>F6</sup>—]

- <sup>F5</sup>(2A) [ <sup>F6</sup>(a) may allow an employee to bring forward the date on which an ordinary adoption leave period ends, subject to prescribed restrictions and subject to satisfying prescribed conditions;  
(b) may allow an employee in prescribed circumstances to revoke, or to be treated as revoking, the bringing forward of that date;]

*Status: Point in time view as at 04/05/2016. This version of this provision has been superseded.*

*Changes to legislation: Employment Rights Act 1996, Section 75A is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[ may specify circumstances in which an employee may work for his employer  
<sup>F7</sup>(c)] during an ordinary adoption leave period without bringing the period to an end.]

[ Provision under subsection (2A)(a) is to secure that an employee may bring forward  
<sup>F8</sup>(2B) the date on which an ordinary adoption leave period ends only if the employee or another person has taken, or is taking, prescribed steps as regards leave under section 75G or statutory shared parental pay in respect of the child.]

- (3) Subject to section 75C, an employee who exercises his right under subsection (1)—
- (a) is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if he had not been absent,
  - (b) is bound, for such purposes and to such extent as may be prescribed, by any obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1)), and
  - (c) is entitled to return from leave to a job of a prescribed kind.
- (4) In subsection (3)(a) “ terms and conditions of employment ”—
- (a) includes matters connected with an employee’s employment whether or not they arise under his contract of employment, but
  - (b) does not include terms and conditions about remuneration.
- (5) In subsection (3)(c), the reference to return from leave includes, where appropriate, a reference to a continuous period of absence attributable partly to ordinary adoption leave and partly to maternity leave.
- (6) The Secretary of State may make regulations specifying matters which are, or are not, to be treated as remuneration for the purposes of this section.
- (7) The Secretary of State may make regulations making provision, in relation to the right to return under subsection (3)(c), about—
- (a) seniority, pension rights and similar rights;
  - (b) terms and conditions of employment on return.

[ The Secretary of State may by regulations provide for this section to have effect in  
<sup>F9</sup>(8) relation to cases which involve an employee who has applied, or intends to apply, with another person for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008 and a child who is, or will be, the subject of the order, with such modifications as the regulations may prescribe.]]]

#### Textual Amendments

- F1** Pt. 8 (ss. 71-80) substituted for Pt. 8 (ss. 71-85) (15.12.1999) by 1999 c. 26, s. 7, **Sch. 4 Pt. 1**; S.I. 1999/2830, art. 2(1)(2), **Sch. 1 Pt. 2** (with transitional provisions in Sch. 3 para. 10)
- F2** Pt. 8 Ch. 1A inserted (8.12.2002) by Employment Act 2002 (c. 22), s. 3; S.I. 2002/2866, art. 2(2), Sch. 1 Pt. 2
- F3** S. 75A(1A) inserted (30.6.2014) by Children and Families Act 2014 (c. 6), ss. 121(1), 139(6); S.I. 2014/1640, art. 3(1)(e)
- F4** S. 75A(1A)(c) substituted (E.W.) (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 145
- F5** S. 75A(2A) inserted (27.6.2006 for certain purposes, otherwise 1.10.2006) by Work and Families Act 2006 (c. 18), ss. 11, 19, **Sch. 1 para. 33**; S.I. 2006/1682, art. 2(c), 3(c)(d)

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- F6** Words in s. 75A(2A) inserted (30.6.2014) by Children and Families Act 2014 (c. 6), **ss. 118(4)(a)**, 139(6); S.I. 2014/1640, art. 3(1)(b)
- F7** Words in s. 75A(2A)(c) renumbered as s. 75A(2A)(c) (30.6.2014) by Children and Families Act 2014 (c. 6), **ss. 118(4)(b)**, 139(6); S.I. 2014/1640, art. 3(1)(b)
- F8** S. 75A(2B) inserted (30.6.2014) by Children and Families Act 2014 (c. 6), **ss. 118(4)(c)**, 139(6); S.I. 2014/1640, art. 3(1)(b)
- F9** S. 75A(8) inserted (30.6.2014) by Children and Families Act 2014 (c. 6), **ss. 122(1)**, 139(6); S.I. 2014/1640, art. 3(1)(f)

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**Modifications etc. (not altering text)**

- C1** S. 75A applied (25.11.2014) by The Employment Rights Act 1996 (Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases) Regulations 2014 (S.I. 2014/3095), regs. 1(1), 2

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