



Employment Rights Act 1996

1996 CHAPTER 18

[^{F1}PART VIII]

[^{F1}CHAPTER 3

PATERNITY LEAVE

[^{F1} 80B Entitlement to ^{F2}... paternity leave: adoption

- (1) The Secretary of State shall make regulations entitling an employee who satisfies specified conditions—
 - (a) as to duration of employment,
 - (b) as to relationship with a child placed, or expected to be placed, for adoption under the law of any part of the United Kingdom, and
 - (c) as to relationship with a person with whom the child is, or is expected to be, so placed for adoption,to be absent from work on leave under this section for the purpose of caring for the child or supporting the person by reference to whom he satisfies the condition under paragraph (c).
- (2) The regulations shall include provision for determining—
 - (a) the extent of an employee's entitlement to leave under this section in respect of a child;
 - (b) when leave under this section may be taken.
- (3) Provision under subsection (2)(a) shall secure that where an employee is entitled to leave under this section in respect of a child he is entitled to at least two weeks' leave.
- (4) Provision under subsection (2)(b) shall secure that leave under this section must be taken before the end of a period of at least 56 days beginning with the date of the child's placement for adoption.

Status: Point in time view as at 05/04/2015. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 80B is up to date with all changes known to be in force on or before 20 May 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)

[Provision under subsection (2)(b) must secure that, once an employee takes leave ^{F3}(4A) under section 75G in respect of a child, the employee may not take leave under this section in respect of the child.]

(5) Regulations under subsection (1) may—

(a) specify things which are, or are not, to be taken as done for the purpose of caring for a child or supporting a person with whom a child is placed for adoption;

^{F4}(aa) [make provision excluding the right to be absent on leave under this section in the case of an employee who, by virtue of provision under subsection (6A), has already exercised a right to be absent on leave under this section in connection with the same child;]

(b) make provision excluding the right to be absent on leave under this section in the case of an employee who exercises a right to be absent from work on adoption leave;

^{F5}(ba) [make provision excluding the right to be absent on leave under this section in the case of an employee who has exercised a right to take time off under section 57ZJ;]

(c) make provision excluding the right to be absent on leave under this section in respect of a child where more than one child is placed for adoption as part of the same arrangement;

(d) make provision about how leave under this section may be taken.

(6) Where more than one child is placed for adoption as part of the same arrangement, the reference in subsection (4) to the date of the child’s placement shall be read as a reference to the date of placement of the first child to be placed as part of the arrangement.

[Regulations under subsection (1) shall include provision for leave in respect of a child ^{F6}(6A) placed, or expected to be placed, under section 22C of the Children Act 1989 by a local authority in England with a local authority foster parent who has been approved as a prospective adopter.

(6B) This section has effect in relation to regulations made by virtue of subsection (6A) as if—

(a) references to being placed for adoption were references to being placed under section 22C of the Children Act 1989 with a local authority foster parent who has been approved as a prospective adopter;

(b) references to placement for adoption were references to placement under section 22C with such a person;

(c) paragraph (aa) of subsection (5) were omitted.]

(7) In this section, “ week ” means any period of seven days.

(8) The Secretary of State may by regulations provide for this section to have effect in relation to cases which involve adoption, but not the placement of a child for adoption under the law of any part of the United Kingdom, with such modifications as the regulations may prescribe.

[The Secretary of State may by regulations provide for this section to have effect in ^{F7}(9) 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

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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 Ch. 3 inserted (8.12.2002) by [Employment Act 2002 \(c. 22\)](#), **s. 1**; S.I. 2002/2866, **art. 2(2)**, Sch. 1 Pt. 2
- F2** Word in s. 80B heading repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 33**; S.I. 2014/1640, **art. 7(o)** (with art. 16)
- F3** S. 80B(4A) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 118(7)**, 139(6); S.I. 2014/1640, **art. 3(1)(b)**
- F4** S. 80B(5)(aa) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 121(2)(a)**, 139(6); S.I. 2014/1640, **art. 3(1)(e)**
- F5** S. 80B(5)(ba) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 128(2)(b)**, 139(6); S.I. 2014/1640, **art. 3(1)(j)**
- F6** S. 80B(6A)(6B) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 121(2)(b)**, 139(6); S.I. 2014/1640, **art. 3(1)(e)**
- F7** S. 80B(9) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 122(4)**, 139(6); S.I. 2014/1640, **art. 3(1)(f)**

Modifications etc. (not altering text)

- C1** S. 80B applied (with modifications) (1.4.2003) by [The Employment Rights Act 1996 \(Application of Section 80B to Adoptions from Overseas\) Regulations 2003 \(S.I. 2003/920\)](#), **reg. 2**
- C2** S. 80B applied (with modifications) (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), 4, **Sch. 2**

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