



# Employment Rights Act 1996

## 1996 CHAPTER 18

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

#### CHAPTER 3

##### PATERNITY LEAVE

VALID FROM 03/03/2010

#### [<sup>F1</sup>] [<sup>F2</sup>80BB] **Entitlement to additional paternity leave: adoption**

- (1) The Secretary of State may make regulations entitling an employee who satisfies specified conditions—
- (a) as to duration of employment,
  - (b) as to relationship with a child 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 so placed for adoption (“the adopter”),
- to be absent from work on leave under this section for the purpose of caring for the child, at a time when the adopter satisfies any conditions prescribed under subsection (2).
- (2) The conditions that may be prescribed under this subsection are conditions relating to any one or more of the following—
- (a) any employment or self-employment of the adopter;
  - (b) the adopter's entitlement (or lack of entitlement) to leave under this Part or to statutory adoption pay;
  - (c) whether, and to what extent, the adopter is exercising or has exercised any such entitlement.
- (3) Any regulations under this section shall include provision for determining—

*Status: Point in time view as at 01/01/2000. This version of this provision is not valid for this point in time.*

*Changes to legislation: Employment Rights Act 1996, Section 80BB is up to date with all changes known to be in force on or before 09 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)*

- (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.
- (4) Provision under subsection (3)(a) shall secure that an employee is not entitled to more than 26 weeks' leave in respect of a child.
- (5) Provision under subsection (3)(b) shall secure that leave under this section—
- (a) may not be taken before the end of a specified period beginning with the date of the child's placement for adoption, but
  - (b) must be taken before the end of the period of twelve months beginning with that date.
- (6) Subsections (4) and (5)(a) do not limit the provision that may be made under subsection (3) in relation to cases where the adopter has died before the end of the period mentioned in subsection (5)(b).
- (7) 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;
  - (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;
  - (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) specify a minimum period which may be taken as leave under this section;
  - (e) make provision about how leave under this section may be taken;
  - (f) specify circumstances in which an employee may work for his employer during a period of leave under this section without bringing the period of leave to an end.
- (8) Where more than one child is placed for adoption as part of the same arrangement, the reference in subsection (5) 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.
- (9) In this section “week” means any period of seven days.
- (10) 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.]]

#### 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** [S. 80BB](#) inserted (3.3.2010) by [Work and Families Act 2006 \(c. 18\)](#), **ss. 4, 19**; S.I. 2010/495, **art. 3(a)**

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

- C1** S. 80BB modified (6.4.2010) by [The Employment Rights Act 1996 \(Application of Section 80BB to Adoptions from Overseas\) Regulations 2010 \(S.I. 2010/1058\)](#), **reg. 2(1)**, Sch.

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