Draft Regulations laid before Parliament under section 236(3) of the Employment Rights Act 1996 (c. 18), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Rights Act 1996 (Application of Section 80B to Adoptions from Overseas) (Amendment) Regulations 2026

Made - - - -	*****
Coming into force - -	*10th March 2026*

The Secretary of State makes these Regulations in exercise of the power conferred by section 80B(8) of the Employment Rights Act 1996(**a**) .

In accordance with section 236(3) of that Act(**b**), a draft of the instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1. These Regulations—

(a) may be cited as the Employment Rights Act 1996 (Application of Section 80B to Adoptions from Overseas) (Amendment) Regulations 2026,

(b) come into force on 10th March 2026, and

(c) extend to England and Wales and Scotland.

Amendment of the Employment Rights Act 1996 (Application of Section 80B to Adoptions from Overseas) Regulations 2003

2.—(1) The Employment Rights Act 1996 (Application of Section 80B to Adoptions from Overseas) Regulations 2003(**c**) are amended as follows.

(2) In the table in the Schedule, after the entry substituting section 80B(6), insert—

(**a**) 1996 c. 18. Section 80B was inserted by section 1 of the Employment Act 2002 (c. 22) and amended by sections 118(7), 121(2), 122(4), 128(2)(b) of, and paragraph 33 of Schedule 7 to, the Children and Families Act 2014 (c. 6), section 1(3) of the Paternity Leave (Bereavement) Act 2024 (c. 17), sections 16(2) and 17(2) of the Employment Rights Act 2025 (c. 36) and by S.I. 2016/413 (W. 131).

(**b**) Section 236(3) was amended by paragraph 42(3) of Schedule 4 to the Employment Relations Act 1999 (c. 26), paragraph 49(3) of Schedule 7 to the Employment Act 2002 (c. 22) and paragraph 44 of Schedule 1 to the Work and Families Act 2006 (c. 18). There are other amendments not relevant to this instrument.

(**c**) S.I. 2003/920.

"Section 80B(6C)	For subsection (6C)(**a**) substitute— "(6C) In relation to cases where a child's adopter dies, this section has effect as if after subsection (1) there were inserted— "(1A) But in a case where the child's adopter dies and the child— (a) dies, or (b) ceases to live with the employee, the regulations may provide that an employee who satisfies those conditions is entitled to leave under this section despite the fact that the leave cannot be taken for that purpose.".".".

Name
Title
Date Department for Business and Trade

(**a**) Subsection (6C) was inserted by section 1(3) of the Paternity Leave (Bereavement) Act 2024 (c. 17) and amended by sections 16(2)(b) and 17(2)(b) of the Employment Rights Act 2025 (c. 36).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment Rights Act 1996 (Application of Section 80B to Adoptions from Overseas) Regulations 2003 (S.I. 2003/920) ("the Principal Regulations") to reflect the amendments made to section 80B of the Employment Rights Act 1996 (c. 18) ("the 1996 Act") by section 1 of the Paternity Leave (Bereavement) Act 2024 (c. 17) ("the 2024 Act") and sections 16(2) and 17(2) of the Employment Rights Act 2025 (c. 36) ("the 2025 Act").

Section 80B of the 1996 Act places a duty on the Secretary of State to make regulations entitling an employee who satisfies specified conditions to be absent from work on paternity leave for the purpose of caring for a child placed for adoption under the law of any part of the United Kingdom or supporting that child's adopter. The Principal Regulations provide that section 80B of the 1996 Act has effect, with modifications, in relation to cases which involve the adoption of a child who enters Great Britain from outside the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom ("overseas adoption cases").

Subsection (6C) of section 80B of the 1996 Act, inserted by the 2024 Act and subsequently amended by the 2025 Act, places a duty on the Secretary of State to make regulations entitling an employee who satisfies specified conditions to be absent from work on paternity leave where the person with whom a child is placed or expected to be placed for adoption dies. That subsection also provides that such regulations may entitle an employee to be absent from work on paternity leave where the child also dies or is, having been placed for adoption, returned. These Regulations make corresponding amendments to the Principal Regulations in relation to overseas adoption cases.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary sector or community bodies is foreseen.

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