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

DRAFT STATUTORY INSTRUMENTS

2014 No. 0000

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Rights Act 1996 (Application of Sections 75G and 75H to Adoptions from Overseas) Regulations 2014

Made - - - -	*****
Coming into force - -	*25th November 2014*

A draft of these Regulations was laid before Parliament in accordance with section 236(3) of the Employment Rights Act 1996(**a**) and approved by resolution of each House of Parliament.

The Secretary of State, in exercise of the powers conferred by section 75H(17) of the Employment Rights Act 1996(**b**), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Employment Rights Act 1996 (Application of Sections 75G and 75H to Adoptions from Overseas) Regulations 2014 and come into force on 25th November 2014.

Application of sections 75G and 75H of the Employment Rights Act 1996 to adoptions from overseas

2.—(1) Sections 75G(**c**) and 75H of the Employment Rights Act 1996 have effect in relation to adoptions from overseas with the modifications specified in the second column of the Schedule to these Regulations.

(2) In this regulation "adoption from overseas" means 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.

Name
Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
Date Department for Business, Innovation and Skills

(**a**) 1996 c. 18. Section 236(3) was amended by the Children and Families Act 2014 (c. 6), section 117(2); there are other amending instruments but none is relevant.
(**b**) Section 75H was inserted by the Children and Families Act 2014, section 117(1).
(**c**) Section 75G was inserted by the Children and Families Act 2014, section 117(1).

SCHEDULE

Regulation 2

Provision	*Modification*
Section 75G	For paragraph (b) of subsection (1) substitute— "(b) as to being a person by whom a child is, or is expected to be, adopted from overseas,". For paragraph (b) of subsection (4) substitute— "(b) as to relationship with a child adopted, or expected to be adopted, from overseas or with a person ("A") by whom the child is, or is expected to be, so adopted,". After subsection (6) insert— "(6A) For the purposes of this section and section 75H, a person adopts a child from overseas if the person adopts 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 the United Kingdom.". Omit subsection (7). Omit subsection (8).
Section 75H	In paragraph (a) of subsection (2), for "with whom the child is, or is expected to be, placed for adoption" substitute "by whom the child is, or is expected to be, adopted from overseas". In paragraph (b) of subsection (2), for "with whom the child is, or is expected to be, placed for adoption" substitute "by whom the child is, or is expected to be, adopted from overseas". In paragraph (b) of subsection (14), for "placed for adoption" substitute "adopted from overseas".

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 75G to 75K of the Employment Rights Act 1996 contain powers under which the Secretary of State may make regulations entitling an employee who is adopting a child under the law of any part of the United Kingdom, or the spouse or partner of such an adopter, to shared parental leave.

These Regulations make the necessary modifications to sections 75G and 75H to provide for those sections to have effect in relation to adoptions from overseas; no modifications are needed to sections 75I to 75K. An adoption from overseas is an adoption of a child who enters Great Britain from outside the United Kingdom in connection with or for the purposes of an adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom.

An impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment is the *Modern Workplaces: shared parental leave and pay administration consultation impact assessment* which was published in February 2013. A copy of that impact assessment can be obtained from the Department for Business, Innovation and Skills, Labour Market Directorate, 1 Victoria Street, London, SW1H 0ET. Copies have also been placed in the libraries of both Houses of Parliament.

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