
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Shared Parental Leave and Paternity and Adoption
Leave (Adoptions from Overseas) Regulations 2014**

PART 4

**Amendments to the Paternity and Adoption Leave
(Adoption from Overseas) Regulations 2003**

22. The Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003⁽¹⁾ are amended as follows.

23. In regulation 4 (interpretation)—

(a) after sub-paragraph (a) of paragraph (2) insert—

“(ab) for the definition of “child”, substitute—

“child” means a person 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 person for adoption under the law of any part of the United Kingdom and who was under the age of 18 at the time of entry into Great Britain;”;

(b) in sub-paragraph (b) of paragraph (2)—

(i) in the definition of “relevant domestic authority” for “Intercountry Adoption (Hague Convention) Regulations 2003” substitute “Adoptions with a Foreign Element Regulations 2005”;

(ii) after the definition of “relevant domestic authority” insert—

““shared parental leave” means leave under section 75G of the 1996 Act.”.

24. In regulation 7 (entitlement to paternity leave: adoption from overseas)—

(a) in paragraph (1) of the substituted regulation 8, for “An” substitute “Subject to paragraph (1A), an”; and

(b) after paragraph (1) of the substituted regulation 8, insert—

“(1A) An employee is not entitled to be absent from work under paragraph (1) if the employee has taken shared parental leave in respect of the child.”.

25. In regulation 9 (entitlement to ordinary adoption leave: adoption from overseas)—

(a) in paragraph (1) of substituted regulation 15, for “An” substitute “Subject to paragraph (1A), an”;

(b) for sub-paragraph (a) in paragraph (1) of substituted regulation 15, substitute—

“(a) is the child’s adopter; and”;

(c) after paragraph (1) of substituted regulation 15, insert—

“(1A) An employee is not entitled to be absent from work under paragraph (1) if the employee has taken shared parental leave in respect of the child.”; and

(d) omit paragraphs (2) and (3) of the substituted regulation 15.