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STATUTORY INSTRUMENTS

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**2003 No. 921**

**The Paternity and Adoption Leave  
(Adoption from Overseas) Regulations 2003**

**PART I  
GENERAL**

**Entitlement to ordinary adoption leave: adoption from overseas**

9. For regulations 15 to 17 of the Leave Regulations substitute—

**“Entitlement to ordinary adoption leave**

- 15.—**(1) An employee is entitled to ordinary adoption leave in respect of a child if he—
- (a) satisfies the conditions specified in paragraph (2); and
  - (b) has complied with the notice requirements in regulation 17 and, where applicable, the evidential requirements in that regulation.
- (2) The conditions referred to in paragraph (1) are that the employee—
- (a) is the child’s adopter; and
  - (b) has been continuously employed for a period of not less than 26 weeks either—
    - (i) ending with the week in which he received an official notification; or
    - (ii) commencing with the week in which the employee’s employment with the employer began.
- (3) In paragraph (2)(b), “week” means the period of seven days beginning with Sunday.
- (4) An employee’s entitlement to leave under this regulation shall not be affected by the fact that more than one child is the subject of adoption from overseas by the adopter as part of the same arrangement.

**Options in respect of ordinary adoption leave**

- 16.—**(1) Subject to paragraph (2), an employee may choose to begin a period of ordinary adoption leave on—
- (a) the date on which the child enters Great Britain; or
  - (b) a predetermined date, specified in a notice under regulation 17, which is no later than twenty-eight days after the date on which the child enters Great Britain.
- (2) In a case where the employee receives an official notification before 6th April 2003 and the adopter’s child enters Great Britain on or after that date, the employee may choose to begin a period of ordinary adoption leave only on a predetermined date, specified in a notice under regulation 17, which is later than the date of entry, and, unless the employer

agrees to an earlier commencement of the leave period, is at least twenty-eight days after the date on which that notice was given.

### **Notice and evidential requirements for ordinary adoption leave**

**17.—(1)** An employee intending to take ordinary adoption leave in respect of a child must give his employer notice of each of the following matters—

- (a) the date on which he received an official notification;
- (b) the date on which the child is expected to enter Great Britain;
- (c) the date which he has chosen as the date on which his period of adoption leave should begin; and
- (d) the date on which the child enters Great Britain.

(2) Notice provided for—

- (a) in paragraph (1)(a) and (b) must be given to the employer no more than 28 days after the date on which the employee receives the official notification or the date on which he completes 26 weeks' continuous employment with the employer, whichever is later;
- (b) in paragraph (1)(c) must be given to the employer at least 28 days prior to the date which the employee has chosen as the date on which his period of adoption leave should begin, and
- (c) in paragraph (1)(d) must be given to the employer no more than 28 days after the date on which the child enters Great Britain.

(3) Where the employer requests it, an employee must also provide his employer with a copy of the official notification together with evidence of the date of the entry of the child into Great Britain.

(4) An employee who has given notice under paragraph (1)(c) may vary the date he has chosen as the date on which his leave will begin, subject to paragraph (5) and provided that he gives his employer notice of the variation—

- (a) where the variation is to provide for the employee's period of leave to begin on the date on which the child enters Great Britain, at least 28 days before the date specified in his notice under paragraph (1)(b) as the date on which the child is expected to enter Great Britain;
- (b) where the variation is to provide for the employee's period of leave to begin on a predetermined date (or a different predetermined date), at least 28 days before that date,

or, if it is not reasonably practicable to give notice 28 days before whichever date is relevant, as soon as is reasonably practicable.

(5) In a case where regulation 16(2) applies, an employee may only vary the date which he has chosen as the date on which his period of leave should begin by substituting a different predetermined date.

(6) Notice under paragraph (1) or (4) shall be given in writing, if the employer so requests.

(7) An employer who is given notice under paragraph (1) or (4) of the date on which an employee has chosen that his period of ordinary adoption leave should begin shall notify the employee, within 28 days of his receipt of the notice, of the date on which the period of additional adoption leave to which the employee will be entitled (if he satisfies the conditions in regulation 20(1)) after his period of ordinary adoption leave ends.

- (8) The notification provided for in paragraph (7) shall be given to the employee—
- (a) where the employer is given notice under paragraph (1)(c), within 28 days of the date on which he received that notice;
  - (b) where the employer is given notice under paragraph (4), within 28 days of the date on which the employee's ordinary adoption leave period began.
- (9) Where it becomes known to the employee that the child will not enter Great Britain, he shall notify the employer of the fact as soon as is reasonably practicable.”