

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Paternity and Adoption Leave Regulations 2002 (S.I. 2002/2788).

The amendments made by the Regulations ensure that paternity leave cannot be taken in relation to a child where shared parental leave has already been taken in relation to that child. These Regulations ensure that an employee cannot take paternity leave if the employee has exercised a right to take paid time off to attend an adoption appointment in respect of the same child. The Regulations remove the current requirement for a qualifying period of service of 26 weeks before an employee is entitled to adoption leave.

The Regulations introduce protections for employees who suffer a detriment or are dismissed in relation to time off for ante-natal or adoption appointments.

The Regulations amend the provisions on the right to return after paternity or adoption leave.

A separate 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: government response on flexible parental leave impact assessment* which was published in November 2012. 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.