
DRAFT STATUTORY INSTRUMENTS

2024 No.

The Paternity Leave (Amendment) Regulations 2024

PART 2

Amendments to the Paternity and Adoption Leave Regulations 2002

13. For regulation 10 (notice and evidential requirements for leave under regulation 8) substitute—

“Notice and evidential requirements for leave under regulation 8

10.—(1) An employee must give their employer—

- (a) notice of their entitlement to take leave in respect of a child under regulation 8 which specifies—
 - (i) the date on which the adopter was notified of having been matched with the child, and
 - (ii) the date on which the child is expected to be placed with the adopter or, where the child has already been placed for adoption, the date of placement, and
- (b) a declaration in writing that the employee satisfies the conditions in regulation 8(2)(b) and (c).

(2) The employee must also give their employer, on each occasion that a period of leave is chosen in accordance with regulation 9—

- (a) a notice that specifies the start day or date of the period of leave and its duration, and
- (b) a declaration in writing that the purpose of the period of leave will be that specified in regulation 8(1).

(3) The notices and declarations in paragraphs (1) and (2) must be given no more than seven days after the date on which the adopter is notified of having been matched with the child or, if it is not reasonably practicable to do so, as soon as is reasonably practicable.

(4) An employee who has previously given notice under paragraph (2)(a) or (7) or this paragraph may—

- (a) vary the day or date chosen as the day or date on which a period of leave will begin or end, or
- (b) cancel the period of leave chosen,

provided that notice of the variation or cancellation is given to the employer in accordance with paragraph (5).

(5) A notice under paragraph (4) must be given by whichever is the earlier of at least 28 days before—

- (a) the original day or date referred to in paragraph (6)(a), or

- (b) the new day or date referred to in paragraph (6)(b),
or, if it is not reasonably practicable to do so, as soon as is reasonably practicable.
- (6) For the purposes of—
- (a) paragraph (5)(a), where a notice has previously been given under paragraph (2)(a), (4) or (7), the original day or date is—
- (i) the date provided under paragraph (1)(a)(ii) as the date on which the child is expected to be placed with the adopter, where the option in regulation 9(3)(a) was chosen in that notice;
 - (ii) the date falling the specified number of days after the date provided under paragraph (1)(a)(ii) as the date on which the child is expected to be placed with the adopter, where the option in regulation 9(3)(b) was chosen in that notice;
 - (iii) the predetermined date specified in that notice, where the option in regulation 9(3)(c) was chosen;
- (b) paragraph (5)(b), the new day or date is—
- (i) the date provided under paragraph (1)(a)(ii) as the date on which the child is expected to be placed with the adopter, where the option in regulation 9(3)(a) is chosen in the notice of variation;
 - (ii) the date falling the specified number of days after the date provided under paragraph (1)(a)(ii) as the date on which the child is expected to be placed with the adopter, where the option in regulation 9(3)(b) chosen in the notice of variation;
 - (iii) the predetermined date specified in the notice of variation, where the option in regulation 9(3)(c) is chosen.
- (7) In a case where—
- (a) the employee has chosen to begin a period of leave on a particular predetermined date, and
 - (b) the child is not placed with the adopter on or before that date,
- the employee must vary the choice of date by substituting a later predetermined date or exercising an alternative option under regulation 9(3) and must give the employer notice of the variation as soon as is reasonably practicable.
- (8) Where a notice is given under paragraph (4) or (7) which varies the days or dates of a period of leave, a declaration under paragraph (2)(b) in relation to that period must be given at the same time as that notice.
- (9) An employee must give their employer a further notice, as soon as is reasonably practicable after the child's placement, of the date on which the child was placed, unless that information has already been provided under paragraph (1)(a)(ii).
- (10) Notice under paragraphs (1)(a), (2)(a), (4), (7) or (9) must be given in writing, if the employer so requests.”.