

# WORK AND FAMILIES ACT 2006

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 4: Additional paternity leave: adoption*

22. Paternity leave is currently available, not only in relation to the birth of a child, but also in relation to the placement of a child for adoption. Section 80B of the Employment Rights Act 1996, and regulations made under it, provides employees who satisfy certain conditions relating to duration of employment, relationship with a child placed for adoption and relationship with a person with whom the child is placed for adoption with a right to take paternity leave.
23. *Section 4* makes provision for the introduction of a new statutory right to additional paternity leave for employees following the placement of a child for adoption. The provision made by the section largely mirrors the provision made by section 3 for additional paternity leave following birth. The section inserts a new section 80BB in the 1996 Act and *subsection (1)* of that section confers power on the Secretary of State to make regulations entitling employees to be absent from work on leave for the purpose of caring for the child if they satisfy conditions relating to their relationship with the child and the person with whom the child is placed for adoption and the duration of their employment. The conditions will be specified in regulations.
24. *Subsections (2) to (7)* make provision comparable to that discussed at paragraphs 17 to 20 in relation to additional paternity leave following the birth of a child.
25. *Subsections (8) and (9)* clarify certain other matters: the meaning of the “date of the child’s placement” where more than one child is placed for adoption and the meaning of “week”. *Subsection (10)* provides power to make regulations relating to additional paternity leave in circumstances concerning overseas adoptions.