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STATUTORY INSTRUMENTS

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**2010 No. 1058**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Employment Rights Act 1996 (Application of Section 80BB to Adoptions from Overseas) Regulations 2010**

*Made* - - - - - *24th March 2010*  
*Coming into force* - - - - - *6th April 2010*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 80BB(10) of the Employment Rights Act 1996(1).

In accordance with section 236(3) of the Employment Rights Act 1996(2), a draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Employment Rights Act 1996 (Application of Section 80BB to Adoptions from Overseas) Regulations 2010 and shall come into force on 6th April 2010.

**Application of section 80BB of the Employment Rights Act 1996 to adoptions from overseas**

2.—(1) Section 80BB of the Employment Rights Act 1996 shall have effect in relation to adoptions from overseas with the modifications of the provisions specified in the first column of the Schedule to these Regulations that are set out opposite those provisions in the second column of that Schedule.

(2) In these Regulations—

“adoption from overseas” means the adoption of a child 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 a child for adoption under the law of any part of the United Kingdom.

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(1) 1996 c. 18; section 80BB was inserted by the [Work and Families Act 2006 \(c.18\)](#), section 4.

(2) Section 236(3) was amended by the [Employment Relations Act 1999 \(c.26\)](#), Part 3 of Schedule 4, paragraphs 5 and 42, and further amended by the [Work and Families Act 2006](#), Schedule 1, paragraph 44.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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24th March 2010

*Pat McFadden*  
Minister for Business, Innovation and Skills  
Department for Business, Innovation and Skills

SCHEDULE

Regulation 2(1)

<i>Provision of the Employment Rights Act 1996</i>	<i>Modification</i>
Section 80BB(1)	In paragraph (b), for “placed for adoption under the law of any part of the United Kingdom” substitute “who is the subject of adoption from overseas”.
	In paragraph (c), for “a person with whom the child is so placed for adoption” substitute “the child’s adopter”.
Section 80BB(5)	In paragraph (a), for “child’s placement for adoption” substitute “child’s entry into Great Britain”.
Section 80BB(7)	In paragraph (b), for “exercises a right to be absent from work on adoption leave” substitute “is a child’s adopter”.
	In paragraph (c), for “is placed for adoption” substitute “is the subject of adoption from overseas”.
Section 80BB(8)	For section (8) substitute— “(8) Where more than one child is the subject of adoption from overseas as part of the same arrangement, and the date of entry of each child is different, the reference in subsection (5) to the date of the child’s entry into Great Britain shall be interpreted as a reference to the date of the entry of the first child into Great Britain.”.
Section 80BB(9)	For subsection (9), substitute— “(9) In this section— “adopter”, in relation to a child, means a person by whom the child has been or is to be adopted or, in a case where the child has been or is to be adopted by two people jointly, whichever of them has elected to take leave under section 75A or 75B of the Act; “adoption from overseas” means the adoption of a child 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 child for adoption under the law of any part of the United Kingdom; and “week” means any period of seven days.”.

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## **EXPLANATORY NOTE**

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

Section 80BB of the Employment Rights Act 1996 contains the powers under which the Secretary of State may make regulations entitling an employee adopting a child under the law of any part of the United Kingdom to additional paternity leave.

These Regulations, made under section 80BB(10) of that Act, provide for section 80BB to have effect, with modifications, in relation to adoptions from overseas. An overseas adoption is the adoption of child who enters Great Britain from outside the United Kingdom in connection with or for the purposes of an adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom.