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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

**The Additional Paternity Leave Regulations 2010**

**PART 3**

**ADDITIONAL PATERNITY LEAVE (ADOPTION)**

**Notice and evidential requirements for leave under regulation 14**

**16.**—(1) P must, not less than eight weeks before the start date chosen by P for the period of leave, give P’s employer (“E”)—

- (a) a leave notice;
- (b) an employee declaration; and
- (c) an adopter declaration.

(2) In this regulation—

- (a) “a leave notice” means a written notice specifying—
  - (i) the date on which P was notified of having been matched with C;
  - (ii) the date on which C was placed with P;
  - (iii) the dates which P has chosen in accordance with regulation 15 as the start date and end date for the period of leave.
- (b) “an employee declaration” means a written declaration signed by P, stating—
  - (i) that the purpose of the period of leave will be to care for C; and
  - (ii) that P satisfies the conditions in regulation 14(2)(c) and (d).
- (c) “an adopter declaration” means a written declaration by A stating—
  - (i) A’s name and address;
  - (ii) the date A intends to return to work (within the meaning of regulation 25);
  - (iii) A’s National Insurance number;
  - (iv) that P satisfies the conditions in regulation 14(2)(c); and
  - (v) that A consents to E processing such of A’s information as is contained in the declaration.

(3) Where E makes a request within 28 days of receiving P’s leave notice, P must, within 28 days of E’s request, give E such of the following as E may request—

- (a) evidence, in the form of one or more documents issued by the adoption agency that matched P with C, of—
  - (i) the name and address of the agency;
  - (ii) the date on which P was notified that P had been matched with C;
  - (iii) the date given by the agency as that on which it expected to place C for adoption with A and P; and

- (b) the name and address of A's employer (or, if A is self-employed, A's business address).
- (4) After giving leave notice, P must give E written notice ("withdrawal notice") as soon as reasonably practicable if—
  - (a) P no longer satisfies the conditions in regulation 14(2)(c) or (d);
  - (b) A no longer satisfies the conditions in regulation 14(4).
- (5) E may require P to take a period of leave where—
  - (a) P has given E withdrawal notice less than six weeks before the start date specified in P's leave notice, or, where applicable, last varied in accordance with regulation 17, and
  - (b) it is not reasonably practicable for E to accommodate the change in P's arrangements.
- (6) Leave that E may require P to take under paragraph (5)—
  - (a) shall be treated as additional paternity leave for the purpose of these Regulations;
  - (b) shall start on the start date specified in P's leave notice, or last varied in accordance with regulation 17; and
  - (c) shall end no later than—
    - (i) six weeks after the date on which withdrawal notice was given to E, or
    - (ii) the end date specified in P's leave notice, or, where applicable, last varied in accordance with regulation 17,whichever is the earlier.
- (7) E may require P to remain on leave where—
  - (a) P has given E withdrawal notice after P's period of additional paternity leave has begun, and
  - (b) it is not reasonably practicable for E to accommodate the change in P's arrangements.
- (8) The period for which E may require P to remain on leave under paragraph (7)—
  - (a) shall end no later than the earlier of—
    - (i) six weeks after the date on which P gave E withdrawal notice, or
    - (ii) the end date specified in P's leave notice or, where applicable, last varied in accordance with regulation 17, and
  - (b) shall be treated as additional paternity leave for the purpose of these Regulations.