Changes to Legislation: as of 12 March 2024, this Act is up to date with all changes known to be in force.



Number 2 *of* 1995

ADOPTIVE LEAVE ACT 1995

REVISED

Updated to 3 July 2023

This Revised Act is an administrative consolidation of the *Adoptive Leave Act 1995*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Civil Defence Act 2023* (17/2023), enacted 26 June 2023, and all statutory instruments up to and including the *Work Life Balance and Miscellaneous Provisions Act 2023 (Commencement) Order 2023* (S.I. No. 341 of 2023), made 29 June 2023, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 2 *of* 1995

ADOPTIVE LEAVE ACT 1995

REVISED

Updated to 3 July 2023

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Number 2 *of* 1995

ADOPTIVE LEAVE ACT 1995

REVISED

Updated to 3 July 2023

AN ACT TO ENTITLE FEMALE EMPLOYEES, AND IN CERTAIN CIRCUMSTANCES MALE EMPLOYEES, TO EMPLOYMENT LEAVE FOR THE PURPOSE OF CHILD ADOPTION, TO EXTEND TO THEM THE PROTECTION AGAINST UNFAIR DISMISSAL CONFERRED BY THE UNFAIR DISMISSALS ACT, 1977, AND TO PROVIDE FOR CONNECTED MATTERS. [15*th March*, 1995]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications etc. (not altering text):

C1 Functions transferred and references construed (14.10.2020) by *Disability, Equality, Human Rights, Integration and Reception (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 436 of 2020), arts. 2, 3(1)(a), (3) and sch., in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

Note change of name of Department and title of Minister to Department of and Minister for Children, Equality, Disability, Integration and Youth made (15.10.2020) by *Children and Youth Affairs (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 437 of 2020), in effect as per art. 1(2).

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Children and Youth Affairs.

(2) References to the Department of Justice and Equality contained in any Act or instrument made under such Act and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the commencement of this Order, be construed as references to the Department of Children and Youth Affairs.

3. (1) The functions vested in the Minister for Justice and Equality -

(a) by or under the enactments specified in Schedule 1, and

...

are transferred to the Minister for Children and Youth Affairs.

...

(3) References to the Minister for Justice and Equality contained in any Act or instrument made under such Act, and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Children and Youth Affairs.

SCHEDULE 1

Article 3(1)(a)

Enactments, functions by or under which are transferred from the Minister for Justice and Equality to the Minister for Children and Youth Affairs

Adoptive Leave Acts 1995 and 2005

...

C2 Application of Act not affected by *Pensions Act 1990* (25/1990) s. 75 as substituted (5.04.2004) by *Social Welfare (Miscellaneous Provisions) Act 2004* (9/2004), s. 22(1), S.I. No. 141 of 2004.

Compliance with statutory requirements, etc.

75.—(1) Nothing in this Part renders unlawful any act done in compliance with any provision of the Maternity Protection Act 1994 or the Adoptive Leave Act 1995 and, accordingly, any such act does not constitute a breach of the principle of equal pension treatment on the marital status ground.

...

Editorial Notes:

E1 Previous affecting provision: functions transferred and references to "Department of" and "Minister for Community, Equality and Gaeltacht Affairs" construed (1.04.2011) by *Equality, Integration, Disability and Human Rights (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 139 of 2011), arts. 2, 3 and sch., subject to transitional provisions in arts. 4-8; superseded as per C-note above.

E2 Act included in definitions of "employment enactment" and "relevant enactment" (1.08.2015) by *Workplace Relations Act 2015* (16/2015), s. 2 and sch. 1 part 2 item 1, S.I. No. 338 of 2015, with the following effects:

- Authorised officers or inspectors under employment enactments deemed to be appointed under *Workplace Relations Act 2015* (16/2015), s. 26(2) and subject to termination under s. 26(4).
- Powers of inspectors for purposes of relevant enactments defined in *Workplace Relations Act 2015* (16/2015), s. 27.
- Workplace Relations Commission, an inspector or an adjudication officer authorised to disclose employer's registered number or employee's PPSN to enable Labour Court to perform functions under relevant enactments by *Workplace Relations Act 2015* (16/2015) s. 31(5).
- Power of Workplace Relations Commission and official body to disclose information to each other concerning the commission of offence under relevant enactment provided by *Workplace Relations Act 2015* (16/2015), s. 32.
- Power of Workplace Relations Commission and contracting authority to disclose information to each other concerning the commission of offence under employment enactment/relevant enactment provided by *Workplace Relations Act 2015* (16/2015), s. 33.
- Powers of Minister to prosecute under relevant enactments transferred to Workplace Relations Commission and references construed by *Workplace Relations Act 2015* (16/2015), s. 37.
- Functions of EAT to hear claims under employment enactments transferred to Workplace Relations Commission and references to EAT construed by *Workplace Relations Act 2015* (16/2015) s. 66(1), (2), not commenced as of date of revision.

E3 Previous affecting provision: functions transferred and references to Minister for and Department of Justice, Equality and Law Reform construed (1.06.2010) by *Equality, Integration, Disability and Human Rights (Transfer of Departmental Administration and Ministerial Functions) Order 2010* (S.I. No. 217 of 2010), arts. 2, 3 and sch., subject to transitional provisions in arts. 4-8; superseded as per C-note above.

E4 Previous affecting provision: functions transferred and references to Minister for and Department of Equality and Law Reform construed (8.07.1997) by *Equality and Law Reform (Transfer of Departmental Administration and Ministerial Functions) Order 1997* (S.I. No. 297 of 1997), arts. 3, 4 and sch., subject to transitional provisions in arts. 5-9; superseded as per C-note above.

PART I

Preliminary and General

Short title and commencement.

1.—(1) This Act may be cited as the Adoptive Leave Act, 1995.

(2) This Act shall come into operation on such day as the Minister shall by order appoint.

Annotations

Editorial Notes:

E5 Power pursuant to section exercised (20.03.1995) by *Adoptive Leave Act, 1995 (Commencement) Order 1995* (S.I. No. 64 of 1995).

2. The 20th day of March, 1995 is hereby appointed as the day upon which the Adoptive Leave Act, 1995, shall come into operation.

Interpretation.

2.—(1) In this Act, except where the context otherwise requires—

F1**[**"accredited body" means a body of persons whose name is entered in the register of accredited bodies maintained under Part 13 of the Adoption Act 2010;**]**

"the Act of 1967" means the Redundancy Payments Act, 1967;

"the Act of 1977" means the Unfair Dismissals Act, 1977;

F2**[**"Act of 2010" means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;**]**

F1**[**"adoption order" means an adoption order within the meaning of section 3 (1) of the Adoption Act 2010;**]**

F3**[**"adoptive leave" has, subject to *subsection (2A)*, the meaning assigned to it by *section 6(1)* or, as the case may be, *section 9(1)*;**]**

F3**[**"additional adoptive leave" has, subject to *subsection (2A)*, the meaning assigned to it by *section 8(1)* or, as the case may be, *section 10(1)*;**]**

F4**[**...**]**

F4**[**...**]**

"adopting parent" means F5**[**qualifying adopter or surviving parent**]**;

"associated employer" shall be construed in accordance with *section 19 (3)*;

F1**[**"Authority" has the meaning assigned to it by section 3 (1) of the Adoption Act 2010;**]**

"certificate of placement" has the meaning assigned to it by *section 13*;

F2**[**"civil partner" shall be construed in accordance with section 3 of the Act of 2010;**]**

F2**[**"cohabitant" shall be construed in accordance with section 172(1) of the Act of 2010;

"cohabiting couple" has the same meaning as it has in the Adoption Act 2010;**]**

"contract of employment" means, subject to *subsection (2)*—

(*a*) a contract of service or apprenticeship, or

(*b*) any other contract whereby an individual agrees with a person, who is carrying on the business of an employment agency within the meaning of the Employment Agency Act, 1971, and is acting in the course of that business, to do or perform personally any work or service for another person (whether or not that other person is a party to the contract),

whether the contract is express or implied and if express, whether it is oral or in writing;

F2**[**"couple", in relation to the definition of "qualifying adopter", means a married couple, a couple who are civil partners of each other or a cohabiting couple;**]**

"day of placement" means—

(*a*) the day on which the child is placed physically in the care of the adopting parent with a view to the making of an adoption order, or

(*b*) the day on which the child is placed physically in the care of the adopting parent with a view to the effecting of a foreign adoption, or

(*c*) in the case of a foreign adoption, where the child has not previously been placed in the care of the adopting parent, the day on which the child has been so placed following the adoption;

F4**[**...**]**

"employee", subject to *subsection (2)*, means (except in *Part IV*) a person who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment;

"employer", subject to *subsection (2)*, means, in relation to an employee, the person with whom the employee has entered into, or for whom the employee works under (or, where the employment has ceased, entered into or worked under) a contract of employment;

F6**[**"foreign adoption" means an intercountry adoption effected outside the State within the meaning of section 3(1) of the Adoption Act 2010;**]**

"health board" means a health board established pursuant to the Health Act, 1970;

"the Minister" means the F5**[**Minister for Children, Equality, Disability, Integration and Youth;**]**

F7**[**"parent's leave" has the same meaning as it has in the Parent's Leave and Benefit Act 2019;**]**

F8**[**"paternity leave" and "transferred paternity leave" have the same meanings as they have in the Paternity Leave and Benefit Act 2016;**]**

F9**[**"postponed leave" has the meaning assigned to it by *section 11C(2)(c)*;**]**

"prescribed" means prescribed by order or regulation under this Act;

F2**[**"qualifying adopter" means—

(*a*) where a child is placed, or is to be placed, in the care of a couple (of whom neither is the mother or father of the child), with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption, the member of the couple who is—

(i) an employee, and

(ii) chosen by the couple to be the qualifying adopter for the purposes of this Act,

(*b*) in any other case, an employee, who is not a surviving parent in relation to the child, in whose care a child has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption;**]**

F10**[**...**]**

F4**[**...**]**

"the successor" has the meaning assigned to it by *section 18*;

F2**[**"surviving parent" means an employee in whose care a child has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption, where his or her spouse, civil partner or cohabitant, as the case may be, was the qualifying adopter in relation to the child and the qualifying adopter concerned has died;**]**

"the Tribunal" means the Employment Appeals Tribunal.

(2) For the purposes of this Act—

(*a*) a person holding office under, or in the service of, the State (including a member of the Garda Síochána or the Defence Forces) or otherwise as a civil servant, within the meaning of the Civil Service Regulation Act, 1956, shall be deemed to be an employee employed by the State or Government, as the case may be, under a contract of service;

(*b*) an officer or servant of a local authority, for the purposes of the Local Government Act, 1941, a harbour authority, a health board or F11**[**a member of staff of an education and training board**]** shall be deemed to be an employee employed by the authority F11**[**or board**]**, as the case may be, under a contract of service; and

(*c*) in relation to an employee whose contract of employment falls (or, where the employment has ceased, fell) within *paragraph (b)* of the definition of "contract of employment" in *subsection (1)*, the person who is liable to pay F12**[**his or her**]** wages shall be deemed to be F12**[**his or her**]** employer.

F13**[**(2A) In this Act, except where the context otherwise requires, references to a period of adoptive leave or additional adoptive leave are references to—

(*a*) in case part of such leave is postponed under section 11C, the part already taken or the part postponed, as appropriate, or

(*b*) in any other case, a continuous such period, whether or not so postponed.**]**

(3) In this Act, a reference to a Part or section is to a Part or section of this Act, unless it is indicated that reference to some other enactment is intended.

(4) In this Act, a reference to a subsection or paragraph is to the subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(5) In this Act, a reference to any enactment includes a reference to that enactment as amended by any other enactment including this Act.

Annotations

Amendments:

F1 Inserted (1.11.2010) by *Adoption Act 2010* (21/2010), s. 157(a)(i), S.I. No. 511 of 2010.

F2 Inserted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 5(a), S.I. No. 148 of 2021.

F3 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 2(a)(i), S.I. No. 724 of 2005.

F4 Deleted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. items 1-4, S.I. No. 148 of 2021.

F5 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 5(b), (c), S.I. No. 148 of 2021.

F6 Substituted (1.11.2010) by *Adoption Act 2010* (21/2010), s. 157(a)(ii), S.I. No. 511 of 2010.

F7 Inserted (1.11.2019) by *Parent's Leave and Benefit Act 2019* (35/2019), s. 36(a), S.I. No. 629 of 2019.

F8 Inserted (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 35(a), S.I. No. 435 of 2016.

F9 Inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 2(a)(iii), S.I. No. 724 of 2005.

F10 Deleted (1.11.2010) by *Adoption Act 2010* (21/2010), s. 157(a)(iii), S.I. No. 511 of 2010.

F11 Substituted (1.07.2013) by *Education and Training Boards Act* (11/2013), s. 72(1) and sch. 6 item 19, S.I. No. 211 of 2013.

F12 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 5, S.I. No. 148 of 2021.

F13 Inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 2(b), S.I. No. 724 of 2005.

F14 Inserted by *Children and Family Relationships Act 2015* (9/2015), s. 177(a)(i), not commenced as of date of revision.

F15 Substituted by *Children and Family Relationships Act 2015* (9/2015), s. 177(a)(ii)-(iv), not commenced as of date of revision.

F16 Inserted by *Children and Family Relationships Act 2015* (9/2015), s. 177(b), not commenced as of date of revision.

Modifications (not altering text):

C3 Prospective affecting provision: functions transferred and Employment Appeals Tribunal construed by *Workplace Relations Act 2015* (16/2015), s. 66, not commenced as of date of revision.

Transfer of functions from Employment Appeals Tribunal

66.(1) (*a*) All functions that, immediately before the dissolution day, were vested in the Employment Appeals Tribunal are transferred to the Commission in so far as they relate to any claim for redress, dispute or complaint determined by the Employment Appeals Tribunal under an employment enactment before that day.

(*b*) All functions that, immediately before the dissolution day, were vested in the Employment Appeals Tribunal are transferred to the Labour Court in so far as they relate to appeals determined by the Employment Appeals Tribunal under an employment enactment before that day.

(2) (*a*) References in any enactment or instrument under an enactment to the Employment Appeals Tribunal in so far as they relate to a function transferred by paragraph (a) of subsection (1) shall be construed as references to the Commission.

(*b*) References in any enactment or instrument under an enactment to the Employment Appeals Tribunal in so far as they relate to a function transferred by paragraph (b) of subsection (1) shall be construed as references to the Labour Court.

(3) This section shall come into operation on the dissolution day.

C4 Prospective affecting provision: subs. (1) amended by insertion and substitution of definitions and subs. (1A) inserted by *Children and Family Relationships Act 2015* (9/2015), s. 177, not commenced as of date of revision.

F14**[**"Act of 2010" means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;**]**

F14**[**"Act of 2015" means the Children and Family Relationships Act 2015;**]**

...

F15**[**"adopting father", subject to subsection (1A)(a) (inserted by section 177 of the Act of 2015), means a male employee in whose care a child has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption, where the adopting mother has died;**]**

F15**[**"adopting mother", subject to *subsection (1A)(a)* (inserted by section 177 of the Act of 2015), means a woman, including an employed adopting mother, in whose care a child (of whom she is not the natural mother) has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption;**]**

...

F14**[**"civil partner" shall be construed in accordance with section 3 of the Act of 2010;**]**

...

F14**[**"cohabitant" shall be construed in accordance with section 172(1) of the Act of 2010;

"cohabiting couple" has the same meaning as it has in *section 3(1)* (amended by section 102 of the Act of 2015) of the Adoption Act 2010;**]**

...

F15**[**"employed adopting mother", subject to *subsection (1A)(a)* (inserted by section 177 of the Act of 2015), means a female employee in whose care a child (of whom she is not the natural mother) has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption;**]**

...

F14**[**"employed qualifying adopter" means an employee who is a qualifying adopter in whose care a child (being a child in respect of whom neither the qualifying adopter, nor the civil partner or cohabitant of that qualifying adopter, is the natural mother) has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption;**]**

...

F14**[**"qualifying adopter" shall be construed in accordance with *subsection (1A)(b)* (inserted by section 177 of the Act of 2015);**]**

...

F16**[**(1A) (*a*) In this Act—

(i) a reference to "adopting father" shall be construed as including the civil partner or cohabitant of the qualifying adopter where the civil partner or cohabitant, as the case may be, is an employee in whose care a child has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption, where the qualifying adopter has died,

(ii) a reference to "adopting mother" shall be construed as including the qualifying adopter in whose care a child (being a child in respect of whom neither the qualifying adopter, nor the civil partner or cohabitant of that qualifying adopter, is the natural mother) has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption, and

(iii) a reference to "employed adopting mother" shall be construed as including an employed qualifying adopter.

(*b*) For the purposes of this Act, where a couple are civil partners of each other or are a same sex cohabiting couple and the couple are jointly adopting a child, or have jointly adopted a child, the qualifying adopter is—

(i) where the couple are civil partners of each other, the civil partner chosen by that couple to be that qualifying adopter, or

(ii) where the couple are a cohabiting couple, the cohabitant chosen by that couple to be that qualifying adopter.**]**

C5 Functions transferred and references construed (14.10.2020) by *Disability, Equality, Human Rights, Integration and Reception (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 436 of 2020), arts. 2, 3(1)(a), (3) and sch., in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

Note change of name of Department and title of Minister to Department of and Minister for Children, Equality, Disability, Integration and Youth made (15.10.2020) by *Children and Youth Affairs (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 437 of 2020), in effect as per art. 1(2).

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Children and Youth Affairs.

(2) References to the Department of Justice and Equality contained in any Act or instrument made under such Act and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the commencement of this Order, be construed as references to the Department of Children and Youth Affairs.

3. (1) The functions vested in the Minister for Justice and Equality -

(*a*) by or under the enactments specified in Schedule 1, and

...

are transferred to the Minister for Children and Youth Affairs.

...

(3) References to the Minister for Justice and Equality contained in any Act or instrument made under such Act, and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Children and Youth Affairs.

SCHEDULE 1

Article 3(1)(a)

Enactments, functions by or under which are transferred from the Minister for Justice and Equality to the Minister for Children and Youth Affairs

Adoptive Leave Acts 1995 and 2005

...

Editorial Notes:

E6 Previous affecting provision: definition of Minister amended (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 2(a)(ii), S.I. No. 724 of 2005; substituted as per F-note above.

Orders and regulations.

3.—(1) An order or regulation under this Act may contain such consequential, supplementary and ancillary provisions as the Minister considers necessary or expedient.

(2) The Minister may by order amend or revoke an order under this Act, including an order under this subsection.

(3) Where an order is proposed to be made under this Act, a draft of the order shall be laid before both Houses of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

(4) Before making an order or regulation under this Act, the Minister shall consult such organisations or other bodies of persons representative of employers and such organisations or other bodies of persons representative of trades unions or bodies analogous to trades unions as the Minister considers appropriate.

(5) *Subsections (1)* to *(4)* do not apply to an order under *section 1 (2)*.

(6) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which the House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under the regulation.

Voidance or modification of certain provisions in agreements.

4.—(1) In this section "agreement" means an agreement, whether a contract of employment or not, and whether made before or after the commencement of this Act.

(2) A provision in an agreement shall be void in so far as it purports to exclude or limit the application of any provision of this Act or is inconsistent with any provision of this Act.

(3) A provision in an agreement which is or becomes less favourable in relation to an adopting parent than a similar or corresponding entitlement conferred on F17**[**the adopting parent**]** by this Act shall be deemed to be so modified as to be not less favourable to F17**[**the adopting parent**]**.

(4) Nothing in this or any other enactment shall be construed as prohibiting the inclusion in an agreement of a provision (subsequently referred to in this section as "the additional provision") in relation to adoption, in addition to those required by this Act, the effect of which would be to render the agreement more favourable to an adopting parent than it would be if it did not include the additional provision.

(5) The inclusion of the additional provision in an agreement shall not, by reason of the fact that it applies to an adopting parent only, confer any right under this or any other enactment on an employee who is not an adopting parent.

Annotations

Amendments:

F17 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 6, S.I. No. 148 of 2021.

Expenses.

5.—Any expenses incurred in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART II

Adoptive Leave

F18**[**Entitlement of employed adopting mother (or sole male adopter) to minimum period of adoptive leave.

6.—(1) Subject to this Part, F19**[**a qualifying adopter**]** shall be entitled to leave (to be known as "adoptive leave") from the employee's employment.

(2) Adoptive leave shall begin on the date of placement and be for a minimum period of 16 weeks.

(3) The minimum period may be extended by order made by the Minister with the consent of the Minister for Social and Family Affairs and the Minister for Finance.**]**

F20**[**(4) A person may not avail of adoptive leave (within the meaning of *subsection (1)*) under this Act where the person avails of paternity leave under the Paternity Leave and Benefit Act 2016.**]**

Annotations

Amendments:

F18 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 3, S.I. No. 724 of 2005.

F19 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 7, S.I. No. 148 of 2021.

F20 Inserted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 6, S.I. No. 148 of 2021.

Modifications (not altering text):

C6 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(*a*) the enactments specified in Schedule 1, and

(*b*) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 2 of 1995	Adoptive Leave Act 1995	Sections 6 and 9(1)(c)
...	...	...

C7 Application of section affected (1.02.2007) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2006* (S.I. No. 52 of 2006), art. 8, in force as per art. 2.

8. The minimum period for the purposes of section 6 (as amended by section 3 of the Act of 2005) of the Act of 1995 is 24 weeks.

Editorial Notes:

E7 Power pursuant to section exercised (1.02.2006) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2006* (S.I. No. 52 of 2006).

E8 Previous affecting provision: power pursuant to section exercised (1.02.2006) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2006* (S.I. No. 52 of 2006), art. 4, in force as per art. 2, superseded by art. 8 of the same instrument, above.

E9 Previous affecting provision: power pursuant to section exercised (19.11.2004) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2004* (S.I. No. 667 of 2004), art. 4, in force as per art. 3; revoked (28.11.2005) by *Adoptive Leave Act 1995* (2/1995), s. 45 as inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), S.I. No. 724 of 2005.

E10 Previous affecting provision: power pursuant to section exercised (8.02.2001) by *Adoptive Leave Act, 1995 (Extension of Periods of Leave) Order 2001* (S.I. No. 30 of 2001), art. 4; revoked (19.11.2004) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2004* (S.I. No. 667 of 2004), reg. 2 and *Adoptive Leave Act 1995* (2/1995), s. 45 as inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), S.I. No. 724 of 2005.

F21**[**Restrictions on entitlement to adoptive leave

6A.— ...**]**

Annotations

Amendments:

F21 Inserted by *Parent's Leave and Benefit Act 2019* (35/2019), s. 36(b), not commenced as of date of revision.

Modifications (not altering text):

C8 Prospective affecting provision: section inserted by *Parent's Leave and Benefit Act 2019* (35/2019), s. 36(b), not commenced as of date of revision.

F21**[6A**. (1) Where a child is, or is to be, adopted by an employee who is the step parent of the child, the employee shall not be entitled to adoptive leave in respect of the child if his or her spouse, civil partner or cohabitant, as the case may be, has, prior to the adoption of the child, taken—

(*a*) adoptive leave in respect of that child, or

(*b*) maternity leave (within the meaning of the Maternity Protection Act 1994) in respect of that child.

(2) In this section—

"Act of 2010" means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

"civil partner" shall be construed in accordance with section 3 of the Act of 2010;

"cohabitant" shall be construed in accordance with section 172(1) of the Act of 2010;

"step parent" has the same meaning as it has in the Adoption Act 2010.**]**

Notification of employer.

7.—(1) In the case of an adoption other than a foreign adoption, entitlement to the minimum period of adoptive leave shall be subject to F22**[**a qualifying adopter**]**—

(*a*) having, as soon as is reasonably practicable but not later than 4 weeks before the expected day of placement, caused F22**[**his or her**]** employer to be notified in writing of F22**[**his or her**]** intention to take adoptive leave, and

(*b*) having, as soon as is reasonably practicable, caused F22**[**his or her**]** employer to be notified in writing of the expected day of placement, and

(*c*) causing F22**[**his or her**]** employer to be supplied with the certificate of placement as soon as is reasonably practicable but not later than 4 weeks after the day of placement.

(2) In the case of a foreign adoption, entitlement to the minimum period of adoptive leave shall be subject to F22**[**a qualifying adopter**]**—

(*a*) having, as soon as is reasonably practicable but not later than 4 weeks before the expected day of placement, caused F22**[**his or her**]** employer to be notified in writing of F22**[**his or her**]** intention to take adoptive leave, and

(*b*) having, as soon as is reasonably practicable, caused F22**[**his or her**]** employer to be notified in writing of the expected day of placement, and

F23**[**(*c*) (i) having caused F22**[**his or her**]** employer to be supplied with a copy of an applicable "declaration of eligibility and suitability" (within the meaning of section 3 (1) of the Adoption Act 2010) before the expected day of placement, if not already supplied, and**]**

(ii) causing F24**[**his or**]** her employer to be supplied with particulars in writing of the placement as soon as is reasonably practicable after the day of placement.

(3) A notification under this section may be revoked by a further notification in writing by or on behalf of F22**[**the qualifying adopter**]** to F24**[**his or**]** her employer.

(4) Where the day of placement is postponed, commencement of the period of adoptive leave shall also be postponed subject to F22**[**the qualifying adopter**]** causing F22**[**his or her**]** employer to be notified of the expected new day of placement as soon as is reasonably practicable.

Annotations

Amendments:

F22 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. items 8-17, S.I. No. 148 of 2021.

F23 Substituted (1.11.2010) by *Adoption Act 2010* (21/2010), s. 157(b), S.I. No. 511 of 2010.

F24 Inserted (3.07.2023) by *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023), s. 35(a),(b), S.I. No. 341 of 2023, art. 2(b).

Editorial Notes:

E11 Amendments to subs. (3) made (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 16, S.I. No. 148 of 2021 as per F-note above, which tend to make the adoptive parent gender-neutral, do not extend to "her" in this subsection.

Entitlement of employed adopting mother (or sole male adopter) to additional adoptive leave.

8.—(1) F25**[**(*a*) Subject to this Part, F26**[**a qualifying adopter**]** who is entitled to, F27**[**or is on, adoptive leave or transferred paternity leave**]** shall, on request, be entitled to further leave (to be known as "additional adoptive leave") from the employee's employment.

(*b*) The additional adoptive leave F28**[**or, where applicable, any period of transferred paternity leave**]** shall commence immediately after the adoptive leave and be for a maximum period of 8 weeks.

(*c*) The maximum period may be extended by order made by the Minister.**]**

(2) Entitlement to additional adoptive leave, in a situation other than one to which *subsection (5)* applies, shall be subject to F26**[**a qualifying adopter**]** having caused F26**[**his or her**]** employer to be notified in writing of F26**[**his or her**]** intention to take such leave.

(3) Notification under *subsection (2)* shall be given either at the same time as the relevant notification under *section 7 (1) (a)* or *(2) (a)* or not later than 4 weeks before the date which would have been the expected date of F26**[**his or her**]** return to work if the F26**[**the qualifying adopter**]** had not taken the F29**[**additional adoptive leave or, where the F26**[**the qualifying adopter**]** takes transferred paternity leave, the date on which the additional adoptive leave is, under *subsection (1)(b)*, to commence.**]**

(4) A notification under *subsection (2)* may be revoked by a further notification in writing by or on behalf of F26**[**the qualifying adopter**]** to F26**[**his or her**]** employer not later than 4 weeks before the date which would have been the expected date of F26**[**his or her**]** return to work if F26**[**the qualifying adopter**]** had not taken the additional adoptive leave.

(5) In the case of a foreign adoption, where F26**[**the qualifying adopter**]** requires a period of additional adoptive leave before the day of placement, for the purposes of familiarisation with the child who is to be adopted, some or all of the additional adoptive leave may be taken before the day of placement.

(6) Entitlement to additional adoptive leave under *subsection (5)* shall be subject to F26**[**the qualifying adopter**]**—

(*a*) having caused F26**[**his or her**]** employer to be notified in writing not later than 4 weeks before the date on which F26**[**he or she**]** intends to take such leave, of the intended date of commencement of such additional adoptive leave, and

F30**[**(*b*) having caused F26**[**his or her**]** employer to be supplied with a copy of an applicable instrument, prepared by or on behalf of the Central Authority of the state of the adoption, that is equivalent to a "declaration of eligibility and suitability" (within the meaning of section 3 (1) of the Adoption Act 2010).**]**

(7) A notification under *subsection (6) (a)* may be revoked by a further notification in writing by or on behalf of F26**[**the qualifying adopter**]** to F26**[**his or her**]** employer.

(8) A period of additional adoptive leave under *subsection (5)* shall expire immediately before the day of placement.

Annotations

Amendments:

F25 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 4, S.I. No. 724 of 2005.

F26 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. items 18-26, S.I. No. 148 of 2021.

F27 Substituted (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 35(b), S.I. No. 435 of 2016.

F28 Inserted (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 35(b), S.I. No. 435 of 2016.

F29 Substituted (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 35(c), S.I. No. 435 of 2016.

F30 Substituted (1.11.2010) by *Adoption Act 2010* (21/2010), s. 157(c), S.I. No. 511 of 2010.

Modifications (not altering text):

C9 Application of section affected (1.02.2007) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2006* (S.I. No. 52 of 2006), art. 9, in force as per art. 2.

9. The maximum period for the purposes of section 8(1) (as amended by section 4 of the Act of 2005) of the Act of 1995 is 16 weeks.

Editorial Notes:

E12 Power pursuant to section exercised (1.02.2007) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2006* (S.I. No. 52 of 2006), art. 5, in effect as per art. 2.

Entitlement of adopting father to adoptive leave in certain circumstances.

9.—F31**[**(1) (*a*) Where F32**[**a qualifying adopter**]** dies, F32**[**the surviving parent**]** shall be entitled to leave (to be known as "adoptive leave") from F32**[**his or her**]** employment.

(*b*) The adoptive leave shall be for a period of—

(i) in case F32**[**the qualifying adopter**]** dies on or after the day of placement, 16 weeks less the period between the date of placement and the date of F32**[**his or her**]** death, or

(ii) in any other case, 16 weeks.

(*c*) The period may be extended by order made by the Minister with the consent of the Minister for Social and Family Affairs and the Minister for Finance.**]**

(2) Entitlement to a period of leave under *subsection (1)* shall be subject to F32**[**the surviving parent**]**—

(*a*) (i) having, as soon as is reasonably practicable before the commencement of the leave, caused F32**[**his or her**]** employer to be notified in writing of F32**[**his or her**]** intention to take such leave, or

(ii) in a case where F32**[**the qualifying adopter**]** died after the day of placement, causing F32**[**his or her**]** employer to be notified in writing of F32**[**his or her**]** intention to take such leave no later than the day on which F32**[**he or she**]** commences the leave,

and

(*b*) having, as soon as is reasonably practicable, caused F32**[**his or her**]** employer to be notified in writing of the day or expected day of placement, as may be appropriate, and

(*c*) (i) in the case of an adoption other than a foreign adoption, causing F32**[**his or her**]** employer to be supplied with the certificate of placement as soon as is reasonably practicable but not later than 4 weeks after the day of placement or 4 weeks after the commencement of the leave whichever is the later, or

(ii) in the case of a foreign adoption,

F33**[**(I) causing F32**[**his or her**]** employer to be supplied with a copy of an applicable instrument, prepared by or on behalf of the Central Authority of the state of the adoption, that is equivalent to a "declaration of eligibility and suitability" (within the meaning of section 3 (1) of the Adoption Act 2010) as soon as reasonably practicable but not later than 4 weeks after the commencement of the leave, and**]**

(II) causing F32**[**his or her**]** employer to be supplied with particulars in writing of placement as soon as is reasonably practicable,

and

(*d*) causing, if requested, F32**[**his or her**]** employer to be supplied with a copy of the death certificate made in respect of the deceased F32**[**qualifying adopter**]** as soon as is reasonably practicable.

F34**[**(3) The period of adoptive leave referred to in *subsection (1)* shall commence on the latest of the following:

(*a*) within 7 days of the death of F32**[**the qualifying adopter**]**,

(*b*) the F35**[**day of placement,**]**

(*c*) where, on the date of the death of F32**[**the qualifying adopter**]**, F32**[**the surviving parent**]** is on paternity leave, immediately after the end of F35**[**the paternity leave, or**]]**

F36**[**(*d*) where, on the date of the death of F32**[**the qualifying adopter**]**, the F37**[**surviving parent**]** is on parent's leave, immediately after the end of the parent's leave.**]**

(4) A notification under this section may be revoked by a further notification in writing by or on behalf of F32**[**the surviving parent**]** to F32**[**his or her**]** employer.

(5) Where the day of placement is postponed, commencement of the period of adoptive leave shall also be postponed subject to F32**[**the surviving parent**]** causing F32**[**his or her**]** employer to be notified of the expected new day of placement as soon as is reasonably practicable.

Annotations

Amendments:

F31 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 5, S.I. No. 724 of 2005.

F32 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. items 27-40, S.I. No. 148 of 2021.

F33 Substituted (1.11.2010) by *Adoption Act 2010* (21/2010), s. 157(d), S.I. No. 511 of 2010.

F34 Substituted (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 35(d), S.I. No. 435 of 2016.

F35 Substituted (1.11.2019) by *Parent's Leave and Benefit Act 2019* (35/2019), s. 36(c)(i), (ii), S.I. No. 629 of 2019.

F36 Inserted (1.11.2019) by *Parent's Leave and Benefit Act 2019* (35/2019), s. 36(c)(iii), S.I. No. 629 of 2019.

F37 Substituted (3.07.2023) by *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023), s. 35(c), S.I. No. 341 of 2023.

Modifications (not altering text):

C10 Terms "Department of Finance" and "Minister for Finance" construed and functions in subs. (1)(c) transferred (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3 and sch. 1, subject to transitional provisions in arts. 5-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(*a*) the enactments specified in Schedule 1, and

(*b*) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

C11 Application of section affected (1.02.2007) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2006* (S.I. No. 52 of 2006), art. 10, in force as per art. 2.

10. The adoptive leave for the purposes of section 9(1) (as amended by section 5 of the Act of 2005) of the Act of 1995 shall be for a period of —

(*a*) in case the adopting mother dies on or after the day of placement, 24 weeks less the period between the date of placement and the date of her death, or

(*b*) in any other case, 24 weeks.

Editorial Notes:

E13 Provision made for the substitution, in subs. (3)(d), of "the surviving parent" for "the adopting parent" (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 38(b), S.I. No. 148 of 2021. The substitution cannot be made because the "the adopting parent" is not present, and it seems that the reference was intended to be made to "the adopting father". This was rectified (3.07.2023) as per F-note above.

E14 Power pursuant to section exercised (1.02.2006 and 1.02.2007) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2006* (S.I. No. 52 of 2006).

E15 Previous affecting provision: power pursuant to section exercised (1.02.2006) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2006* (S.I. No. 52 of 2006), art. 6, in force as per art. 2, superseded by art. 10 of the same instrument, above.

E16 Previous affecting provision: power pursuant to section exercised (19.11.2004) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2004* (S.I. No. 667 of 2004), art. 5, in force as per art. 3; revoked (28.11.2005) by *Adoptive Leave Act 1995* (2/1995), s. 45 as inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), S.I. No. 724 of 2005.

E17 Previous affecting provision: power pursuant to section exercised (8.02.2001) by *Adoptive Leave Act, 1995 (Extension of Periods of Leave) Order 2001* (S.I. No. 30 of 2001), art. 6; revoked (19.11.2004) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2004* (S.I. No. 667 of 2004), reg. 2 and *Adoptive Leave Act 1995* (2/1995), s. 45 as inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), S.I. No. 724 of 2005.

Entitlement of adopting father to additional adoptive leave in certain circumstances.

10.—F38**[**(1)(*a*) An employed F39**[**surviving parent**]** who is entitled to, or is on, adoptive leave on the death of F39**[**the qualifying adopter**]** shall, on request, be entitled to further leave (to be known as "additional adoptive leave") from F39**[**his or her**]** employment.

(*b*) The additional adoptive leave shall be for a period of—

(i) in case F39**[**the qualifying adopter**]** dies on or after the expiration of 16 weeks from the day of placement, 8 weeks less the period between the date of that expiration and the date of F39**[**his or her**]** death, or

(ii) in any other case, 8 weeks.

(*c*) The period of additional adoptive leave may be extended by order made by the Minister.**]**

(2) Entitlement to a period of leave under *subsection (1)* shall be subject to F39**[**a surviving parent**]** complying with *section 9 (2)* as adapted by *subsection (3)*.

(3) For the purposes of this section, references in *section 9 (2)* to adoptive leave shall be construed as including references to additional adoptive leave and references therein to *subsection (1)* of that section shall be construed as including references to *subsection (1)* of this section.

(4) Where F39**[**a surviving parent**]** has already complied with the provisions of *section 9 (2) (b), (c)* and *(d)*, it shall not be necessary for F39**[**him or her**]** to comply with those provisions as adapted by *subsection (3)* in order to satisfy the requirements of *subsection (2)*.

F40**[**(5) The period of additional adoptive leave referred to in *subsection (1)* shall commence—

(*a*) within 7 days of the death of F39**[**the qualifying adopter**]**,

(*b*) where, on the date of the death of F39**[**the qualifying adopter**]**, F39**[**the surviving parent**]** is on paternity leave, immediately after the end of the paternity leave, or

(*c*) where F39**[**the surviving parent**]** was on adoptive leave, on the day immediately following the end of such leave.**]**

(6) A notification under this section may be revoked by a further notification in writing by or on behalf of F39**[**the surviving parent**]** to F39**[**his or her**]** employer.

Annotations

Amendments:

F38 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 6, S.I. No. 724 of 2005.

F39 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. items 41-48, S.I. No. 148 of 2021.

F40 Substituted (1.08.2016) by *Paternity Leave and Benefit Act 2016* (11/2016), s. 35(e), S.I. No. 435 of 2016.

Modifications etc. (not altering text):

C12 Application of section affected (1.02.2007) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2006* (S.I. No. 52 of 2006), art. 11, in force as per art. 2.

11. The additional adoptive leave for the purposes of section 10(1) (as amended by section 6 of the Act of 2005) of the Act of 1995 shall be for a period of —

(a) in case the adopting mother dies on or after the expiration of 24 weeks from the day of placement, 16 weeks less the period between the date of that expiration and the date of her death, or

(b) in any other case, 16 weeks.

Editorial Notes:

E18 Provision made for two substitutions, in subs. (1)(a), of "the qualifying adopter" for "the adopting mother" (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 41(a), (c), S.I. No. 148 of 2021. The second substitution cannot be made because a second instance of the "the adopting mother" is not present.

E19 Power pursuant to section exercised (1.02.2006) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2006* (S.I. No. 52 of 2006).

E20 Previous affecting provision: power pursuant to section exercised and application of section affected (1.02.2006) by*Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2006* (S.I. No. 52 of 2006), art. 7, in force as per art. 2, superseded by art. 11 of the same instrument above.

E21 Previous affecting provision: power pursuant to section exercised and application affected (8.02.2001) by *Adoptive Leave Act, 1995 (Extension of Periods of Leave) Order 2001* (S.I. No. 30 of 2001), art. 7, in force as per art. 2; revoked (19.11.2004) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2004* (S.I. No. 667 of 2004), reg. 2 and *Adoptive Leave Act 1995* (2/1995), s. 45 as inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), S.I. No. 724 of 2005.

Entitlement of adopting father to additional adoptive leave before day of placement in certain circumstances.

11.—(1) In the case of a foreign adoption, where F41**[**the qualifying adopter**]** dies and F41**[**the surviving parent**]** requires a period of additional adoptive leave before the day of placement, for the purposes of familiarisation with the child who is to be adopted, some or all of the additional adoptive leave under *section 10* may be taken immediately before the day of placement.

(2) Entitlement to a period of leave under *subsection (1)* shall be subject to F41**[**the surviving parent**]**—

(*a*) having, as soon as is reasonably practicable, caused F41**[**his or her**]** employer to be notified in writing of F41**[**his or her**]** intention to take such additional adoptive leave before the day of placement, and

F42**[**(*b*) causing F41**[**his or her**]** employer to be supplied with a copy of an applicable instrument, prepared by or on behalf of the Central Authority of the state of the adoption, that is equivalent to a "declaration of eligibility and suitability" (within the meaning of section 3 (1) of the Adoption Act 2010) as soon as reasonably practicable but not later than 4 weeks after the commencement of the leave, and**]**

(*c*) causing, if requested, F41**[**his or her**]** employer to be supplied with a copy of the death certificate made in respect of the deceased F41**[**qualifying adopter**]** as soon as is reasonably practicable.

(3) The period of additional adoptive leave referred to in *subsection (1)* shall commence as soon as is reasonably practicable after the death of F41**[**the qualifying adopter**]**.

(4) A notification under this section may be revoked by a further notification in writing by or on behalf of F41**[**the surviving parent**]** to F41**[**his or her**]** employer.

(5) Where the expected day of placement is postponed, commencement of the period of additional adoptive leave under this section shall also be postponed subject to F41**[**the surviving parent**]** causing F41**[**his or her**]** employer to be notified of the expected new day of placement as soon as is reasonably practicable.

Annotations

Amendments:

F41 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. items 49-56, S.I. No. 148 of 2021.

F42 Substituted (1.11.2010) by *Adoption Act 2010* (21/2010), s. 157(e), S.I. No. 511 of 2010.

Editorial Notes:

E22 Previous affecting provision: application of section affected (8.02.2001) by *Adoptive Leave Act, 1995 (Extension of Periods of Leave) Order 2001* (S.I. No. 30 of 2001), arts. 2(d) and 7, in force as per art. 2; revoked (19.11.2004) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2004* (S.I. No. 667 of 2004), reg. 2 and *Adoptive Leave Act 1995* (2/1995), s. 45 as inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), S.I. No. 724 of 2005.

F43**[**Time off to attend certain pre-adoption classes and meetings.

11A.—(1) Subject to *subsections (2)* and *(3)*, an employee shall be entitled to time off from work, without loss of pay, to attend any pre-adoption classes and meetings which the employee is obliged to attend.

(2) *Subsection (1)* shall not apply—

(*a*) to a member of the Defence Forces who is—

(i) on active service within the meaning of section 5 of the Defence Act 1954 or deemed to be on active service within the meaning of section 4(1) of the Defence (Amendment)(No. 2) Act 1960,

(ii) engaged in operational duties at sea,

(iii) engaged in operations in aid of the civil power,

(iv) engaged in training that is directly associated with any of the activities referred to in *subparagraphs (i)*, *(ii)* and *(iii)* of this paragraph, or

(v) engaged in any other duty outside the State,

(*b*) if the Chief of Staff of the Defence Forces in exceptional circumstances so directs, to a member of the Defence Forces who is required to perform a duty which is, in the opinion of the Chief of Staff of the Defence Forces, of a special or urgent nature for so long as the member is performing the duty,

(*c*) to a member of the Garda Síochána who is on the direction, or with the consent, of the Commissioner of the Garda Síochána serving outside the State and performing duties of a police character or advising others on, or monitoring them in, the performance of such duties or any related duties for so long as the member is so serving, and

(*d*) if the Commissioner of the Garda Síochána in exceptional circumstances so directs, to a member of the Garda Síochána who is required to perform a duty which is, in the opinion of the Commissioner of the Garda Síochána, of a special or urgent nature for so long as the member is performing the duty.

(3) (*a*) In this subsection "classes" refers to the pre-adoption classes and meetings mentioned in subsection (1).

(*b*) The entitlement of an employee to time off under *subsection (1)* is subject to his or her having—

(i) notified the employer in writing of the dates and times of the classes concerned, or the date and time of each class, as soon as practicable but not later than 2 weeks before the date of the first class, or the class concerned, as the case may be, and

(ii) produced to the employer, on request, an appropriate document indicating the dates and times of the classes, or the date and time of the class, concerned.

(*c*) Where the circumstances are such that, in the case of a particular class, non-compliance by the employee with *paragraph (b)* is not due to any neglect or default by the employee in relation to attendance at the class, the employee is deemed to have complied with the requirements of that paragraph if, not later than one week after the date of the class concerned, he or she provides the employer with evidence of the attendance and an indication of the circumstances which gave rise to the non-compliance.

(4) References in this section to pre-adoption classes and meetings are references to such classes and meetings held within the State.**]**

Annotations

Amendments:

F43 Inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 7, S.I. No. 724 of 2005.

F44[Termination of additional adoptive leave on sickness of adopting parent.

11B.—(1) An adopting parent ("the employee")—

(*a*) who is sick while on adoptive leave or while entitled to, or on, additional adoptive leave, and

(*b*) who wishes to terminate the additional adoptive leave,

may request the employer in writing to terminate the additional adoptive leave or cause such a request to be made.

(2) If the employer agrees to terminate the leave, it shall terminate on a date agreed by the employee and the employer that is—

(*a*) not earlier than the date on which the sickness began, and

(*b*) not later than the date on which the leave would have ended in accordance with the notification of intention to take it given by the employee to the employer under this Part or *section 41*, as the case may be.

(3) The employer shall notify the employee of the decision on the request as soon as is reasonably practicable after its receipt.

(4) On the termination of the additional adoptive leave—

(*a*) the absence from work of the employee owing to sickness after the termination shall be treated in the same way as any other absence from work of the employee owing to sickness, and

(*b*) the employee shall cease to be entitled to any leave not by then taken.**]**

Annotations

Amendments:

F44 Inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 8, S.I. No. 724 of 2005.

F45[Postponement of leave on hospitalisation of child.

11C.—(1) If—

(*a*) an adopted child is in hospital, and

(*b*) the child's adopting parent ("the employee") is entitled to, or is on, adoptive leave or additional adoptive leave,

the employee may request the employer in writing (or cause such a request to be made) to postpone in accordance with this section—

(i) the whole of the adoptive leave and any additional adoptive leave,

(ii) the part of the adoptive leave not by then taken and any additional adoptive leave, or

(iii) the whole of the additional adoptive leave or any part not by then taken,

as appropriate.

(2) If the employer agrees to the request—

(*a*) the employee shall continue to work or, as the case may be, shall return to work on a date agreed by the employee and employer that is not later than the date on which the leave concerned is due to end in accordance with the notification given under *section 7* or (as the case may be) given, or deemed under *subsection (5)* to have been given, under *section 8(3)*,

(*b*) the leave concerned shall be postponed or, as the case may be, postponed with effect from the date agreed under *paragraph (a)*,

(*c*) the employee shall be entitled in accordance with this section to the leave or the part of the leave not taken by reason of the postponement (in this Act referred to as "postponed leave"), and

(*d*) the postponed leave shall be taken as a continuous period beginning not later than 7 days after the child is discharged from hospital or such other date as may be agreed between the employer and the employee.

(3) The employer shall notify the employee concerned in writing of the decision on the request as soon as is reasonably practicable after its receipt.

(4) (*a*) Subject to *subsection (6)*, entitlement to postponed leave shall be subject to the employee having notified the employer in writing (or having caused the employer to be so notified) of the employee's intention to take the leave.

(*b*) The notification shall be given by the employee as soon as is reasonably practicable after the employee becomes aware of the date of the child's discharge from hospital.

(*c*) The notification may be revoked by a further notification in writing given by or on behalf of the employee to the employer.

(5) Notwithstanding that an employee who is on adoptive leave has not caused the employer to be notified in accordance with *section 8(3)* of his or her intention to take additional adoptive leave, the employee shall be deemed, for the purposes of *paragraph (ii)* or *(iii)* of *subsection (1)*, to have done so.

(6) An employer may waive the right to receive a notification in accordance with *subsection (4)*.

(7) The employer may require the employee to supply evidence of the child's hospitalisation and discharge from hospital.**]**

Annotations

Amendments:

F45 Inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 9, S.I. No. 724 of 2005.

F46**[**Absence from work owing to sickness while leave postponed.

11D.—(1) Where—

(*a*) an employee whose request to postpone leave has been agreed by the employer continues to work or, as the case may be, returns to work in accordance with *section 11C(2)(a)*, and

(*b*) is absent from work owing to sickness while the leave is postponed,

the employee shall be deemed to begin the postponed leave on the first day of the absence unless the employee notifies the employer in writing (or causes the employer to be so notified) as soon as is reasonably practicable that the employee does not wish to begin the postponed leave.

(2) On any such notification—

(*a*) the absence from work of the employee owing to sickness shall be treated in the same way as any other absence from work of the employee owing to sickness, and

(*b*) the employee shall cease to be entitled to the postponed leave.**]**

Annotations

Amendments:

F46 Inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 10, S.I. No. 724 of 2005.

Placements of less than fourteen weeks duration.

12.—F47**[**(1) Where the placement of a child with an adopting parent terminates before the expiration of the period of leave from the employment to which the adopting parent is entitled under this Part (other than as a result of the death of the child), the adopting parent shall notify the employer in writing (or cause the employer to be so notified) of the date of termination as soon as reasonably practicable but not later than 7 days after that date.**]**

(2) On receipt by F48**[**his or her**]** employer of a notification under *subsection (1)*, the adopting parent shall be required to return to work on such date as is convenient to F48**[**his or her**]** employer but not later than the date on which the notified period of adoptive leave or, as the case may be, the notified period of additional adoptive leave expires.

(3) In the case of a foreign adoption, where an adopting parent takes additional adoptive leave before the day of placement and no placement takes place, F48**[**he or she**]** shall return to work on the day on which the notified period of such leave expires, at the latest, and shall cause F48**[**his or her**]** employer to be notified of the intended date of F48**[**his or her**]** return to work as soon as is reasonably practicable.

(4) In a case to which *subsection (2)* relates an employer shall give the adopting parent one week's notice of the day on which F48**[**he or she**]** is required to return to work.

(5) Where, in the opinion of a rights commissioner or the Tribunal, there are reasonable grounds for an adopting parent's failure to give a notice under this section or for an adopting parent giving it otherwise than within the time limits specified thereunder, the rights commissioner or Tribunal, as the case may be, shall extend the time for service of the said notice.

(6) In the absence of reasonable grounds, failure to give notice under this section or the giving of it otherwise than in the time limits specified thereunder are matters that may be taken into account by a rights commissioner, the Tribunal or Circuit Court in determining the adopting parent's rights under the Act of 1977, this Act or any other relevant enactment so far as the remedies of re-instatement, re-engagement or compensation are concerned.

Annotations

Amendments:

F47 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 11, S.I. No. 724 of 2005.

F48 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. items 57-59, S.I. No. 148 of 2021.

Editorial Notes:

E23 Previous affecting provision: application of section affected (19.11.2004) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2004* (S.I. No. 667 of 2004), art. 6, in force as per art. 3; revoked (28.11.2005) by *Adoptive Leave Act 1995* (2/1995), s. 45 as inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), S.I. No. 724 of 2005.

E24 Previous affecting provision: application of section affected (8.02.2001) by *Adoptive Leave Act, 1995 (Extension of Periods of Leave) Order 2001* (S.I. No. 30 of 2001), art. 8; revoked (19.11.2004) by *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2004* (S.I. No. 667 of 2004), reg. 2 and *Adoptive Leave Act 1995* (2/1995), s. 45 as inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), S.I. No. 724 of 2005.

Certificate of placement to be issued.

13.—(1) An adopting parent shall, if F49**[**he or she**]** so requests, be issued with a certificate ("the certificate of placement") by—

(*a*) the health board which arranges the placing of the child with the adopting parent, or

(*b*) the F50**[**accredited body**]** which arranges the placing of the child with the adopting parent.

(2) The certificate of placement referred to in *subsection (1)* shall be issued, no later than 7 days from the date of receipt of the request, by the health board or F50**[**accredited body**]**, as may be appropriate.

(3) The certificate of placement referred to in *subsection (1)* shall state the following—

(*a*) the date on which it is issued,

(*b*) the day of placement,

(*c*) the sex and date of birth of the child,

(*d*) the name and address of the adopting parent or parents,

and shall be signed by a person authorised to issue such a certificate on behalf of the issuing authority.

(4) The certificate of placement when being issued in accordance with *subsection (1) (a)* may be issued on behalf of the health board by its chief executive officer.

(5) In *subsection (4)* "chief executive officer" includes a person acting as deputy chief executive officer in accordance with section 13 of the Health Act, 1970.

(6) Where the placing of the child with the adopting parent or parents was arranged otherwise than by a health board or F50**[**accredited body**]** and an application for an adoption order has been received by F50**[**the Authority**]** from an adopting parent or parents, F50**[**the Authority**]** shall, on receipt of a request from an adopting parent for a certificate ("the certificate of placement"), issue the adopting parent with a certificate of placement.

(7) The certificate of placement referred to in *subsection (6)* shall be issued, no later than 7 days from the date of receipt of the request, by F50**[**the Authority**]**.

(8) The certificate of placement referred to in *subsection (6)* shall state the following—

(*a*) the date on which it is issued,

(*b*) the date of the application for an adoption order,

(*c*) the day of placement as stated in the application,

(*d*) the sex and date of birth of the child,

(*e*) the name and address of the adopting parent or parents,

and shall be signed by an officer of F50**[**the Authority**]** authorised to issue such a certificate in that behalf.

Annotations

Amendments:

F49 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 60, S.I. No. 148 of 2021.

F50 Substituted (1.11.2010) by *Adoption Act 2010* (21/2010), s. 157(f), S.I. No. 511 of 2010.

Editorial Notes:

E25 Functions of health boards transferred to the Health Service Executive (1.01.2005) by *Health Act 2004* (42/2004), s. 59, S.I. No. 887 of 2004.

Evidence as to certificate of placement.

14.—The certificate of placement or a copy thereof certified by the body which issued the certificate of placement to be a true copy shall, unless the contrary is proved, be evidence of the matters referred to therein in any proceedings arising out of or relating to the exercise or attempted exercise by an adopting parent of F51**[**his or her**]** rights under this Act.

Annotations

Amendments:

F51 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 61, S.I. No. 148 of 2021.

PART III

Provisions Relating to Employment Contracts

F52**[**Preservation or suspension of certain rights, etc., while on adoptive leave.

15.—(1) While absent from work on adoptive leave, an employee—

(*a*) shall be deemed to have been in the employment of the employer, and

(*b*) shall, subject to *subsection (6)* and *section 17*, be treated as if the employee had not been so absent,

and the absence shall not affect any right of the employee related to the employment (other than the right to remuneration during the absence), whether conferred by statute, contract or otherwise.

(2) While absent from work on additional adoptive leave an employee—

(*a*) shall be deemed to have been in the employment of the employer, and

(*b*) shall, subject to *subsection (6)* and *section 17*, be treated as if the employee had not been so absent,

and the absence shall not affect any right or obligation related to the employee's employment (other than the employee's right to remuneration or superannuation benefits or any obligation to pay contributions in or in respect of the employment during the absence), whether conferred or imposed by statute, contract or otherwise.

(3) While absent from work attending pre-adoption classes or meetings in accordance with *section 11A*, an employee—

(*a*) shall be deemed to be in the employment of the employer, and

(*b*) shall, subject to *subsection (6)* and *section 17*, be treated as if the employee had not been so absent,

and the absence shall not affect any right related to the employee's employment, whether conferred by statute, contract or otherwise.

(4) Nothing in this section shall affect the right of an employee to be offered suitable alternative employment under *section 19*.

(5) A period of absence from work in accordance with this Act shall not be treated as part of any other leave (including sick leave or annual leave) to which an employee is entitled.

(6) Where, on starting employment, an employee is on probation, is undergoing training in relation to it or is an apprentice, the probation, training or apprenticeship shall stand suspended during any absence from work in accordance with this Act and shall be completed by the employee on returning to work after the absence.

(7) An employee shall be deemed not to be an employed contributor for the purposes of the Social Welfare Acts for any contribution week (within the meaning of those Acts) while absent from work on adoptive leave or additional adoptive leave if the employee does not receive any reckonable earnings (within that meaning) in respect of that week.

(8) The Minister may by regulations prescribe a period or periods of training in relation to which *subsection (6)* shall not apply.**]**

Annotations

Amendments:

F52 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 12, S.I. No. 724 of 2005.

F53**[**Voidance of certain purported terminations of employment, etc.

16.—Each of the following shall be void:

(*a*) any purported termination of or suspension from employment of an adopting parent while absent from work—

(i) on adoptive leave or additional adoptive leave, or

(ii) attending pre-adoption classes or meetings in accordance with section 11A;

(*b*) any notice of termination of the employment of an adopting parent given during the parent's absence from work—

(i) on adoptive leave or additional adoptive leave, or

(ii) while attending pre-adoption classes or meetings in accordance with that section,

and expiring after the absence.**]**

Annotations

Amendments:

F53 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 13, S.I. No. 724 of 2005.

F54**[**Extension of certain notices of termination of employment and certain suspensions.

17.—(1) This section applies to—

(*a*) a notice of termination of employment, or

(*b*) a suspension from employment,

which is given to or imposed on an adopting parent before the adopting parent begins a period of leave under this Act and which is due to expire during the adopting parent's absence from work on that leave.

(2) Any notice of termination or any suspension to which this section applies shall be extended by the period of the absence concerned.

(3) References in *subsection (1)* to a period of leave under this Act include references to a period of time off from work while attending pre-adoption classes or meetings in accordance with *section 11A*.**]**

Annotations

Amendments:

F54 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 14, S.I. No. 724 of 2005.

F55**[**General right to return to work after adoptive leave or additional adoptive leave.

18.—(1) An adopting parent ("the employee") who is absent from work while on adoptive leave or additional adoptive leave shall be entitled to return to work—

(*a*) either—

(i) with the employer with whom the employee was working immediately before the absence, or

(ii) if during the absence there was a change of ownership of the undertaking in which the employee was employed immediately before the absence, with the owner (in this Act referred to as "the successor") of the undertaking when the absence ended,

(*b*) in the job which the employee held immediately before the absence began, and

(*c*) under the contract of employment under which the employee was employed immediately before the absence began, or (as the case may be) under a contract of employment with the successor, which is identical to the contract under which the employee was employed immediately before the absence and (in either case) under terms or conditions—

(i) that are not less favourable than those that would have been applicable, and

(ii) that incorporate any improvements in the terms and conditions of employment to which the employee would have been entitled,

if the employee had not been so absent from work.

(2) For the purposes of subsection (1)(*b*), where the job held by the employee immediately before the absence was not the employee's normal or usual job, the

employee shall be entitled to return to work, either in the normal or usual job or in the job so held, as soon as is practicable.

(3) In this section, "job" means the nature of the work which the employee is employed to do in accordance with the employee's contract of employment and the capacity and place in which the employee is so employed.**]**

Annotations

Amendments:

F55 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 15, S.I. No. 724 of 2005.

Right to suitable alternative employment in certain circumstances on return to work.

19.—(1) Where an adopting parent is entitled to return to work under *section 18* but it is not reasonably practicable for F56**[**his or her**]** employer or the successor to permit F57**[**him or**]** her to return to work in accordance with that section, F57**[**he or**]** she shall be entitled to be offered by F56**[**his or her**]** employer, the successor or an associated employer suitable alternative employment in accordance with a new contract of employment.

(2) The following provisions shall apply to a new contract of employment under this section—

(*a*) the work required to be done under it shall be of a kind which is suitable in relation to the employee concerned and appropriate for F56**[**him or her**]** to do, and

F58**[**(*b*) the terms or conditions of the contract—

(i) relating to the place where the work under it is required to be done, the capacity in which the employee concerned is to be employed and any other terms or conditions of employment are not less favourable to the employee than those of the employee's contract of employment immediately before the absence from work on adoptive leave or additional adoptive leave, and

(ii) incorporate any improvement in the terms or conditions of employment to which the employee would have been entitled if the employee had not been so absent from work during that period.**]**

(3) For the purposes of this section two employers shall be taken to be associated if one is a body corporate of which the other (whether directly or indirectly) has control or if both are bodies corporate of which a third person (whether directly or indirectly) has control and references hereafter in this Act to associated employer shall be construed accordingly.

Annotations

Amendments:

F56 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. items 62, 63, S.I. No. 148 of 2021.

F57 Inserted (3.07.2023) by *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023), s. 35(d)(i),(ii), S.I. No. 341 of 2023.

F58 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 16, S.I. No. 724 of 2005.

Editorial Notes:

E26 Amendments to subs. (1) made (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 62, S.I. No. 148 of 2021 as per F-note above, which tend to make the adoptive parent gender-neutral, do not extend to "her" and "she" in this subsection.

Notification of intention to return to work.

20.—F59**[**(1) An employee who is entitled to, or is on, adoptive leave or additional adoptive leave shall cause the employer (or, if aware of a change of ownership of the undertaking concerned, the successor) to be notified in writing of the employee's intention to return to work and of the date on which the employee expects to do so—

(*a*) where the leave is for a period of 4 weeks or less, at the same time as the employee notifies the employer of intention to take the leave,

(*b*) where the leave is for a period of more than 4 weeks—

(i) subject to *subparagraph (ii)*, in case the leave is postponed leave, either—

(I) at the same time as the employee notifies the employer under *section 11C(4)* of intention to take the leave, or

(II) at least 4 weeks before the date of the expected return to work,

whichever is the later,

(ii) in case the employee is deemed under *section 11D(1)* to be on postponed leave, as soon as is reasonably practicable after the beginning of the absence from work of the employee owing to sickness but not later than the date on which the employee expects to return to work,

(iii) in any other case, not later than 4 weeks before the date on which the employee expects to return to work.**]**

(2) Where, in the opinion of a rights commissioner or the Tribunal, there are reasonable grounds for an adopting parent's failure to give the notice under *subsection (1)* or for an adopting parent giving it otherwise than in the time limits specified thereunder, the rights commissioner or Tribunal, as the case may be, shall extend the time for service of the said notice.

(3) In the absence of reasonable grounds, failure to give notice under *subsection (1)* or the giving of it otherwise than in the time limits specified thereunder are matters that may be taken into account by a rights commissioner, the Tribunal or Circuit Court in determining the adopting parent's rights under the Act of 1977, this Act or any other relevant enactment so far as the remedies of reinstatement, re-engagement or compensation are concerned.

(4) F60**[**...**]**

Annotations

Amendments:

F59 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 17(a), S.I. No. 724 of 2005.

F60 Deleted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 17(b), S.I. No. 724 of 2005.

Postponement of return to work.

21.—Where, because of an interruption or cessation of work at F61**[**his or her**]** place of employment, existing on the date specified in a notification given under *section 12 (3)* or *20* or on the date on which an adopting parent is required to return to work under *section 12 (2)*, as the case may be, it is unreasonable to expect an adopting

parent to return to work on such date, F61**[**he or she**]** may return to work instead when work resumes at the place of employment after the interruption or cessation, or as soon as is reasonably practicable after such resumption.

Annotations

Amendments:

F61 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 64, S.I. No. 148 of 2021.

PART IV

Amendment or Application of Other Enactments

Unfair Dismissals Act, 1977

Amendment of section 1 of Act of 1977.

22.—Section 1 of the Act of 1977 is hereby amended by the insertion after "In this Act—" and before "contract of employment" of the following:

"'adopting parent' means an employee who is an employed adopting mother, an adopting father or sole male adopter within the meaning of *section 2 (1)* of the *Adoptive Leave Act, 1995*;".

Amendment of section 2 (2) of Act of 1977.

23.—Section 2 (2) of the Act of 1977 (which specifies dismissals in relation to which that Act does not apply) is hereby amended by the insertion after paragraph (*c*) (inserted by the Maternity Protection Act, 1994) of the following:

F62**[**(*d*) dismissal where—

(i) the employee's employer at the commencement of the employment informs the employee in writing that the employment will terminate on the return to work with that employer of an adopting parent who is absent from work in accordance with the Adoptive Leave Acts 1995 and 2005 during a period of adoptive leave or additional adoptive leave or a period of time off from work while attending certain pre-adoption classes or meetings, and

(ii) the dismissal of the employee duly occurs for the purpose of facilitating the return to work of the adopting parent.**]**

Annotations

Amendments:

F62 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 18, S.I. No. 724 of 2005.

Amendment of section 6 (2) of Act of 1977.

24.—Section 6 (2) of the Act of 1977 (which specifies the matters which cause a dismissal resulting from any of those matters to be an unfair dismissal) is hereby amended by the insertion after paragraph (*g*) (inserted by the Maternity Protection Act, 1994) of the following paragraph:

F63**[**(*h*) the exercise or contemplated exercise by an adoptive parent of the parent's right under the Adoptive Leave Acts 1995 and 2005 to adoptive leave or additional adoptive leave or a period of time off to attend certain pre-adoption classes or meetings.**]**

Annotations

Amendments:

F63 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 19, S.I. No. 724 of 2005.

Amendment of section 6 of Act of 1977.

25.—Section 6 of the Act of 1977 is hereby amended by the substitution of the following subsection for subsection (2A) (inserted by the Maternity Protection Act, 1994):

"(2A) Sections 3 and 4 of this Act do not apply to a case falling within paragraph (*f*), (*g*) or (*h*) of subsection (2) of this section and, for the purposes of those paragraphs, 'employee' and 'adopting parent' include a person who would otherwise be excluded from this Act by paragraph (*a*), (*c*), (*f*) or (*g*) of section 2 (1) of this Act.".

Adopting parent not permitted to return to work.

26.—(1) This section applies to an adopting parent within the meaning of section 1 of the Act of 1977 as amended by *section 22* who, having complied with *section 20*, is entitled to return to work but is not permitted to do so by F64**[**his or her**]** employer, the successor or an associated employer.

(2) For the purposes of the Act of 1977 an adopting parent shall be deemed to have been dismissed on the date specified in the relevant notification under *section 20 (1)*, and the dismissal shall be deemed to be an unfair dismissal unless, having regard to all the circumstances, there were substantial grounds justifying the dismissal.

Annotations

Amendments:

F64 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 65, S.I. No. 148 of 2021.

Redundancy Payments Act, 1967

Amendment of section 2 of Act of 1967.

27.—Section 2 of the Act of 1967 is hereby amended by the insertion after the definition of "the Act of 1952" and before "business" of the following:

'"adopting parent' means an employee who is an employed adopting mother, an adopting father or sole male adopter within the meaning of *section 2 (1)* of the *Adoptive Leave Act, 1995*;".

F65**[**Amendment of Schedule 3 to Redundancy Payments Act 1967.

28.—Schedule 3 to the Redundancy Payments Act 1967 is amended—

(*a*) in paragraph 5 (absences from work which do not breach continuity of employment) (substituted by section 12(*a*) of the Redundancy Payments Act 2003), by substituting the following subparagraph for subparagraph (*b*):

'(*b*) a period during which, in accordance with the Adoptive Leave Acts 1995 and 2005, an adopting parent was absent from work while on adoptive leave or additional adoptive leave or while attending certain pre-adoption classes or meetings,',

and

(*b*) in paragraph 8A (absences allowable as reckonable service) (inserted by section 12(*b*) of the said Act of 2003), by substituting the following subparagraph for subparagraph (*a*):

'(*a*) a period during which, in accordance with the Adoptive Leave Acts 1995 and 2005, an adopting parent was absent from work while on adoptive leave or additional adoptive leave or while attending certain pre-adoption classes or meetings,'.**]**

Annotations

Amendments:

F65 Substituted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 20, S.I. No. 724 of 2005.

Adopting parent not permitted to return to work.

29.—(1) This section applies to an adopting parent within the meaning of section 2 of the Act of 1967 as amended by *section 27* who, having complied with *section 20*, is entitled to return to work but is not permitted to do so by F66**[**his or her**]** employer, the successor or an associated employer.

(2) For the purposes of the Act of 1967, an adopting parent shall be deemed to have been dismissed by reason of redundancy, the date of dismissal being deemed to be the date specified in the relevant notification under *section 20 (1)*.

Annotations

Amendments:

F66 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 66, S.I. No. 148 of 2021.

Minimum Notice and Terms of Employment Act, 1973

Adopting parent not permitted to return to work.

30.—(1) This section applies to an adopting parent who, having complied with *section 20 (1)*, is entitled to return to work but is not permitted to do so by F67**[**his or her**]** employer, the successor or an associated employer and who is an employee to whom the Acts referred to in *subsection (2)* apply.

(2) For the purposes of the Minimum Notice and Terms of Employment Acts, 1973 to 1991, the contract of employment of an adopting parent to whom this section applies shall be deemed to have been terminated on the date specified in the relevant notification under *section 20 (1)*.

Annotations

Amendments:

F67 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. item 67, S.I. No. 148 of 2021.

PART V

Disputes Relating to Entitlement

Annotations

Editorial Notes:

E27 Redress and appeal procedures for dispute about entitlements under Act provided (1.10.2015) by *Workplace Relations Act 2015* (16/2015), ss. 41, 44, sch. 5 part 3 item 2 and sch. 6 part 2 item 7, S.I. No. 410 of 2015.

Definition.

31.—In this Part "relevant employer" means the employer, successor or associated employer, as may be appropriate.

Disputes regarding entitlement under this Act.

32.—(1) This Part does not apply to an adopting parent who is in employment as a member of the Defence Forces.

F68**[**(2) This Part does not apply to—

(*a*) a dispute in relation to a dismissal, including a dismissal within the meaning of the Act of 1977, or the termination of a contract of employment,

(*b*) a claim under Part IV of the Act of 1967 as extended by *section 29*.**]**

(3)F69**[**...**]**

(4) The Minister may make regulations for the purposes of this Part.

Annotations

Amendments:

F68 Substituted (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 52(1) and sch. 7 part 1 ref. 7, S.I. No. 410 of 2015, subject to transitional provision in subs. (3).

F69 Repealed (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 8(1) and sch. 2 part 1 ref. 8, S.I. No. 410 of 2015, subject to transitional provision in subs. (2).

Editorial Notes:

E28 Power pursuant to section exercised (20.07.1995) by *Adoptive Leave (Calculation of Weekly Remuneration) Regulations 1995* (S.I. No. 196 of 1995).

E29 Power pursuant to section exercised (20.07.1995) by *Adoptive Leave (Referral of Disputes and Appeals) (Part V) Regulations 1995* (S.I. No. 195 of 1995).

F70**[**Decision under section 41 or section 44 of Workplace Relations Act 2015.

33.— (1) A decision of an adjudication officer under section 41 of the Workplace Relations Act 2015 in relation to a dispute between an adopting parent and the relevant employer relating to the adopting parent's entitlements under this Act or any matter in connection with such entitlements may include—

(*a*) such directions to the parties to the complaint as the adjudication officer considers necessary or expedient for the resolution of the matter, and

(*b*) an award of compensation (in favour of the adopting parent to be paid by the employer) of such amount, not exceeding 20 weeks' remuneration in respect of the adopting parent's employment calculated in accordance with regulations under section 32, as the adjudication officer considers just and equitable having regard to all of the circumstances.

(2) A decision of the Labour Court under section 44 of the Workplace Relations Act 2015 on appeal from a decision of an adjudication officer referred to in subsection (1) may include—

(*a*) such directions to the parties to the complaint as the Labour Court considers necessary or expedient for the resolution of the matter, and

(*b*) an award of compensation (in favour of the adopting parent to be paid by the employer) of such amount, not exceeding 20 weeks' remuneration in respect of the adopting parent's employment calculated in accordance with regulations under section 32, as the Labour Court considers just and equitable having regard to all of the circumstances.

(3) In this section "remuneration" includes allowances in the nature of pay and benefits in lieu of or in addition to pay.**]**

Annotations

Amendments:

F70 Substituted (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 52(1) and sch. 7 part 1 ref. 7, S.I. No. 410 of 2015, subject to transitional provision in subs. (2).

Referral of disputes to rights commissioner.

34.— F71**[**...**]**

Annotations

Amendments:

F71 Repealed (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 8(1) and sch. 2 part 1 ref. 8, S.I. No. 410 of 2015, subject to transitional provision in subs. (2).

Appeal from decision of rights commissioner.

35.—F72**[**...**]**

Annotations

Amendments:

F72 Repealed (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 8(1) and sch. 2 part 1 ref. 8, S.I. No. 410 of 2015, subject to transitional provisions in subs. (2).

Appeal to High Court on point of law.

36.—F73**[**...**]**

Annotations

Amendments:

F73 Repealed (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 8(1) and sch. 2 part 1 ref. 8, S.I. No. 410 of 2015, subject to transitional provisions in subs. (2).

Service of documents.

37.—F74**[**...**]**

Annotations

Amendments:

F74 Repealed (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 8(1) and sch. 2 part 1 ref. 8, S.I. No. 410 of 2015, subject to transitional provisions in subs. (2).

Provisions relating to winding up and bankruptcy.

38.—F75**[**...**]**

Annotations

Amendments:

F75 Repealed (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 8(1) and sch. 2 part 1 ref. 8, S.I. No. 410 of 2015, subject to transitional provisions in subs. (2).

Enforcement of decision of rights commissioner and determination of Tribunal.

39.—F76**[**...**]**

Annotations

Amendments:

F76 Repealed (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 8(1) and sch. 2 part 1 ref. 8, S.I. No. 410 of 2015, subject to transitional provisions in subs. (2).

Extension of Protection of Employees (Employers' Insolvency) Act, 1984.

40.—F77**[**...**]**

Annotations

Amendments:

F77 Repealed (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 8(1) and sch. 2 part 1 ref. 8, S.I. No. 410 of 2015, subject to transitional provisions in subs. (2).

PART VI

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Alternative notification procedure.

41.—(1) Where an adopting parent commences employment within a period of 6 weeks before the day of placement F78**[**he or she**]** shall, as soon as is reasonably practicable but not later than the day on which F78**[**he or she**]** commences adoptive leave, cause F78**[**his or her**]** employer to be notified in writing of F78**[**his or her**]**

intention to take adoptive leave, and where such notification is given, the provisions of *section 7 (1) (a), 7 (2) (a)* or *9 (2) (a) (i)*, as the case may be, shall not apply in respect of that period of leave.

(2) Where an adopting parent commences employment within a period of 6 weeks before the day of placement and wishes to take a period of additional adoptive leave before the day of placement under *section 8 (5)* or *section 11*, as the case may be, the adopting parent shall, as soon as is reasonably practicable, but no later than the day on which F78**[**he or she**]** commences such leave, cause F78**[**his or her**]** employer to be notified in writing of F78**[**his or her**]** intention to take additional adoptive leave before the day of placement, and when such notification is given the provisions of *section 8 (6) (a) or 11 (2) (a)*, as the case may be, shall not apply in respect of that period of leave.

(3) Where a child is to be placed with an adopting parent within the period of 6 weeks beginning on the commencement of this Act, the adopting parent shall, as soon as is reasonably practicable but not later than the day of placement, cause F78**[**his or her**]** employer to be notified in writing of F78**[**his or her**]** intention to take adoptive leave, and where such notification is given, the provisions of *section 7 (1) (a), 7 (2) (a) or 9 (2) (a) (i)*, as the case may be, shall not apply in respect of that period of leave.

(4) Where a child is to be placed with an adopting parent within the period of 6 weeks beginning on the commencement of this Act and the adopting parent wishes to take a period of additional adoptive leave before the day of placement under *section 8 (5)* or *section 11*, as the case may be, the adopting parent shall, as soon as is reasonably practicable, but no later than the day on which F78**[**he or she**]** commences such leave, cause F78**[**his or her**]** employer to be notified in writing of F78**[**his or her**]** intention to take additional adoptive leave before the day of placement, and when such notification is given the provisions of *section 8 (6) (a)* or *11 (2) (a)*, as the case may be, shall not apply in respect of that period of leave.

(5) An employer, who receives a notification under this section within 2 weeks of the notified day of commencement of the leave, may require the adopting parent to delay commencement of the leave, in respect of which the notification was given, for up to 2 weeks from the day on which the notification was received.

Annotations

Amendments:

F78 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 7 and sch. items 68-71, S.I. No. 148 of 2021.

Editorial Notes:

E30 Subss. (3) and (4) are spent because they apply to adoptions within 6 weeks of commencement of the Act (20.03.1995, S.I. No. 64 of 1995).

Right to adoptive leave where child placed before commencement of Act.

42.—(1) Where a child has been placed with an adopting parent at any time within the period of 10 weeks before the commencement of this Act—

(*a*) the adopting parent shall be entitled to adoptive leave for a period of 10 weeks less a period equivalent to the period beginning on the day of placement and ending on the date of commencement of this Act, or

(*b*) the adopting father shall, in circumstances where the adopting mother dies after the commencement of this Act, be entitled to leave for a period of 10 weeks less a period equivalent to the period beginning on the day of placement and ending on the date of the adopting mother's death.

(2) The adopting parent shall commence a period of leave referred to in *subsection (1) (a)* within the period of 7 days beginning on the date of commencement of this Act and shall, as soon as is reasonably practicable but not later than the day on which the leave is commenced, cause F79**[**his or**]** her employer to be notified in writing of F79**[**his or**]** her intention to take such leave.

(3) The adopting father shall commence a period of leave referred to in *subsection (1) (b)* within the period of 7 days beginning on the date of the death of the adopting mother and shall, as soon as is reasonably practicable but not later than the day on which the leave is commenced, cause his employer to be notified in writing of his intention to take such leave.

(4) (*a*) In the case of an adoption other than a foreign adoption, entitlement to leave under *subsection (1) (a)* shall be subject to an adopting parent causing F79**[**his or**]** her employer to be supplied with the certificate of placement as soon as is reasonably practicable but not later than 4 weeks after the commencement of the leave.

(*b*) In the case of a foreign adoption, entitlement to leave under *subsection (1) (a)* shall be subject to an adopting parent—

(i) causing F79**[**his or**]** her employer to be supplied with a copy of the declaration made pursuant to section 5 (1) (iii) (II) of the Adoption Act, 1991, before the commencement of the leave, and

(ii) causing F79**[**his or**]** her employer to be supplied with particulars in writing of the placement as soon as reasonably practicable.

(5) *Paragraphs (b), (c) and (d)* of *section 9 (2)* shall apply in respect of an adopting father taking leave under *subsection (1) (b)*.

(6) An employer who receives a notification under this section may require the adopting parent to delay commencement of the leave, in respect of which the notification was given, for up to 2 weeks from the notified day of commencement of the leave.

Annotations

Amendments:

F79 Inserted (3.07.2023) by *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023), s. 35(e), (f), S.I. No. 341 of 2023.

Editorial Notes:

E31 This section is spent because it applies to placements within 10 weeks before commencement of the Act (20.03.1995, S.I. No. 64 of 1995).

Right to additional adoptive leave where child placed before commencement of Act.

43.—(1) Where an adopting parent takes leave under *section 42* F80**[**he or**]** she shall be entitled, if F80**[**he or**]** she so requests, to additional adoptive leave for a period of 4 weeks.

(2) The adopting parent shall commence a period of leave referred to in *subsection (1)* immediately upon the expiration of the period of adoptive leave under *section 42* and shall cause F80**[**his or**]** her employer to be notified in writing of F80**[**his or**]** her intention to take such leave—

(*a*) at the same time as the notification of F80**[**his or**]** her intention to take leave under *section 42 (2)* is given, or

(*b*) not later than 4 weeks before the date on which F80**[**he or**]** she intends to take the leave,

whichever is the later.

Annotations

Amendments:

F80 Inserted (3.07.2023) by *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023), s. 35(g), (h)(i), (ii), S.I. No. 341 of 2023.

Editorial Notes:

E32 This section is spent because it applies to placements under s. 42 within 10 weeks before commencement of the Act (20.03.1995, S.I. No. 64 of 1995).

Notification of intention to return to work in respect of leave taken under *sections 42* and *43*.

44.—(1) An adopting parent who has been on adoptive leave under *section 42* or additional adoptive leave under *section 43* shall cause F81**[**his or**]** her employer (or, whereF81**[**he or**]** she is aware of a change of ownership of the undertaking concerned, the successor) to be notified in writing of F81**[**his or**]** her intention to return to work and of the date on which F81**[**he or**]** she expects to return to work—

(*a*) at the same time that F81**[**he or**]** she causes F81**[**his or**]** her employer to be notified of F81**[**his or**]** her intention to take leave under either of those sections, or

(*b*) not later than 4 weeks before the date on which F81**[**he or**]** she expects to return to work,

whichever is the later.

(2) *Subsections (2)* and *(3)* of *section 20* shall apply to an adopting parent taking leave under *sections 42* and *43* and the references in those subsections to *subsection (1)* shall be construed as including a reference to *subsection (1)* of this section.

Annotations

Amendments:

F81 Inserted (3.07.2023) by *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023), s. 35(i)(i), (ii), S.I. No. 341 of 2023.

Editorial Notes:

E33 This section is spent because it applies to placements under s. 42 within 10 weeks before commencement of the Act (20.03.1995, S.I. No. 64 of 1995).

F82**[**Revocation.

45.—The Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2001 (S.I. No. 30 of 2001), so far as unrevoked, and the Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2004 (S.I. No. 667 of 2004) are revoked.**]**

Annotations

Amendments:

F82 Inserted (28.11.2005) by *Adoptive Leave Act 2005* (25/2005), s. 21, S.I. No. 724 of 2005.

ACTS REFERRED TO

Adoption Act, 1952	1952, No. 25
Adoption Act, 1991	1991, No. 14
Bankruptcy Act, 1988	1988, No. 27
Civil Service Regulation Act, 1956	1956, No. 46
Companies Act, 1963	1963, No. 33
Courts Act, 1981	1981, No. 11
Employment Agency Act, 1971	1971, No. 27
Health Act, 1970	1970, No. 1
Local Government Act, 1941	1941, No. 23
Maternity Protection Act, 1994	1994, No. 34
Minimum Notice and Terms of Employment Act, 1973	1973, No. 4
Protection of Employees (Employers' Insolvency) Act, 1984	1984, No. 21
Redundancy Payments Act, 1967	1967, No. 21
Social Welfare (Consolidation) Act, 1993	1993, No. 27
Unfair Dismissals Act, 1977	1977, No. 10
Worker Protection (Regular Part-Time Employees) Act, 1991	1991, No. 5

Number 2 *of* 1995

ADOPTIVE LEAVE ACT 1995

REVISED

Updated to 3 July 2023

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Adoptive Leave Acts 1995 and 2005: this Act is one of a group of Acts included in this collective citation to be construed together as one (*Adoptive Leave Act 2005*, s. 22(2)). The Acts in the group are:

- *Adoptive Leave Act 1995* (2/1995)
- *Adoptive Leave Act 2005* (25/2005)

Other Acts dealing with employment leave are the *Maternity Protection Acts 1994 and 2004*, the *Parental Leave Acts 1998 to 2019* and the *Carer's Leave Act 2001*.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Work Life Balance and Miscellaneous Provisions Act 2023* (8/2023)
- *Family Leave and Miscellaneous Provisions Act 2021* (4/2021)
- *Parent's Leave and Benefit Act 2019* (35/2019)
- *Paternity Leave and Benefit Act 2016* (11/2016)
- *Workplace Relations Act 2015* (16/2015)
- *Children and Family Relationships Act 2015* (9/2015)
- *Education and Training Boards Act 2013* (11/2013)
- *Adoption Act 2010* (21/2010)
- *Adoptive Leave Act 2005* (25/2005)
- *Health Act 2004* (42/2004)
- *Social Welfare (Miscellaneous Provisions) Act 2004* (9/2004)
- *Employment Equality Act 1998* (21/1998)
- *Pensions Act 1990* (25/1990)

All Acts up to and including *Civil Defence Act 2023* (17/2023), enacted 26 June 2023, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Disability, Equality, Human Rights, Integration and Reception (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 436 of 2020)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Equality, Integration, Disability and Human Rights (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 139 of 2011)
- *Equality, Integration, Disability and Human Rights (Transfer of Departmental Administration and Ministerial Functions) Order 2010* (S.I. No. 217 of 2010)
- *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2006* (S.I. No. 52 of 2006)
- *Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2004* (S.I. No. 667 of 2004)
- *Adoptive Leave Act, 1995 (Extension of Periods of Leave) Order 2001* (S.I. No. 30 of 2001)
- *Equality and Law Reform (Transfer of Departmental Administration and Ministerial Functions) Order 1997* (S.I. No. 297 of 1997)
- *Adoptive Leave (Calculation of Weekly Remuneration) Regulations 1995* (S.I. No. 196 of 1995)
- *Adoptive Leave (Referral of Disputes and Appeals) (Part V) Regulations 1995* (S.I. No. 195 of 1995)
- *Adoptive Leave Act, 1995 (Commencement) Order 1995* (S.I. No. 64 of 1995)

All statutory instruments up to and including *Work Life Balance and Miscellaneous Provisions Act 2023 (Commencement) Order 2023* (S.I. No. 341 of 2023), made 29 June 2023, were considered in the preparation of this revision.