STATUTORY RULES OF NORTHERN IRELAND

2015 No. 90

EMPLOYMENT

WORK AND FAMILIES

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Application of Parts 12ZA, 12ZB and 12ZC to Parental Order Cases) Regulations (Northern Ireland) 2015

Made - - - -	*2nd March 2015*
Coming into operation	*15th March 2015*

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by sections 167ZK(2), 167ZT(2) and 167ZZ8(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F1].

F1 1992 c. 7. Section 167ZK was inserted by the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)); subsection (2) was inserted by the Work and Families Act (Northern Ireland) 2015 (c. 1(N.I.)), **section 11(2)**. Section 167ZT was inserted by the Employment (Northern Ireland) Order 2002 ((S.I. 2002/2836 (N.I. 2)); subsection (2) was inserted by 2015 c. 1 (N.I.), **section 11(3)**. Section 167ZZ8(2) was inserted by 2015 c. 1 (N.I.), **section 5(2)**.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Application of Parts 12ZA, 12ZB and 12ZC to Parental Order Cases) Regulations (Northern Ireland) 2015 and come into operation on 15th March 2015.

(2) Regulation 4 does not have effect in cases involving children whose expected week of birth ends on or before 4th April 2015.

Interpretation

2. In these Regulations—

"the Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

[[F2]"intended parent", in relation to a child, means a person who, on the day of the child's birth—

(a) applies, or intends to apply during the period of 6 months beginning with that day—

(i) with another person for an order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the child; or

(ii) as the sole applicant for an order under section 54A of that Act in respect of the child; and

(b) expects the court to make such an order in respect of the child;**]**

F3 …

F4 …

[F5"section 54 parental order parent" means a person—

(a) on whose application the court has made an order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of a child; or

(b) who is an intended parent of a child by reference to an application or intended application for such an order;

"section 54A parental order parent" means a person—

(a) on whose application the court has made an order under section 54A of the Human Fertilisation and Embryology Act 2008 in respect of a child; or

(b) who is an intended parent of a child by reference to an application or intended application for such an order.**]**

F2 Words in reg. 2 substituted (3.1.2019) by The Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 (S.I. 2018/1413), art. 1(1), **Sch. 2 para. 10(2)(a)**
F3 Words in reg. 2 omitted (3.1.2019) by virtue of The Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 (S.I. 2018/1413), art. 1(1), **Sch. 2 para. 10(2)(b)**
F4 Words in reg. 2 omitted (3.1.2019) by virtue of The Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 (S.I. 2018/1413), art. 1(1), **Sch. 2 para. 10(2)(c)**
F5 Words in reg. 2 inserted (3.1.2019) by The Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 (S.I. 2018/1413), art. 1(1), **Sch. 2 para. 10(2)(d)**

Application of Part 12ZA of the Act to parental order parents

3. Part 12ZA of the Act [F6] (statutory paternity pay) has effect in relation to **[**[F7]section 54 parental order parents**]** with the modifications of sections 167ZA, 167ZB and 167ZE of the Act specified in the second column of Schedule 1 to these Regulations.

F6 Part 12ZA was inserted by S.I. 2002/2836 (N.I. 2)), Article 5.
F7 Words in reg. 3 substituted (3.1.2019) by The Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 (S.I. 2018/1413), art. 1(1), **Sch. 2 para. 10(3)**

Application of Part 12ZB of the Act to parental order parents

4. Part 12ZB of the Act [F8] (statutory adoption pay) has effect in relation to **[**[F9]section 54 parental order parents and section 54A parental order parents**]** with the modifications of sections 167ZL and 167ZN of the Act specified in the second column of Schedule 2 to these Regulations.

F8 Part 12ZB was inserted by S.I. 2002/2836 (N.I. 2)), Article 6.
F9 Words in reg. 4 substituted (3.1.2019) by The Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 (S.I. 2018/1413), art. 1(1), **Sch. 2 para. 10(4)**

Application of Part 12ZC of the Act to parental order parents

5. Part 12ZC of the Act [F10] (statutory shared parental pay) has effect in relation to **[**[F11]section 54 parental order parents**]** with the modifications of sections 167ZW and 167ZX of the Act specified in the second column of Schedule 3 to these Regulations.

F10 Part 12ZC was inserted by 2015 c. 1 (N.I.), **section 5(2)**.

F11 Words in reg. 5 substituted (3.1.2019) by The Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 (S.I. 2018/1413), art. 1(1), **Sch. 2 para. 10(5)**

Sealed with the Official Seal of the Department for Employment and Learning on 2nd March 2015.

L.S.

Dr Stephen Farry
Minister for Employment and Learning

SCHEDULE 1

Regulation 3

Application of Part 12ZA of the Act to parental order cases

Provision	***Modification***
Section 167ZA	After subsection (4) insert— "(4A) A person who satisfies the conditions in section 167ZB(2)(a) to (d) in relation to a child is not entitled to statutory paternity pay under this section in respect of that child.".
Section 167ZB	For paragraph (a) of subsection (2) substitute— "(a) that he satisfies prescribed conditions as to being a person— (i) on whose application the court has made a parental order in respect of a child, or (ii) who is an intended parent of a child; (ab) that he satisfies prescribed conditions as to relationship with the other person on whose application the parental order was made or who is an intended parent of the child;". In paragraph (d) of subsection (2), for "the day on which the child is placed for adoption" substitute " the day on which the child is born ". In paragraph (e) of subsection (2), omit "where he is a person with whom the child is placed for adoption,". For subsection (3) substitute— "(3) The references in this section to the relevant week are to the week immediately preceding the 14th week before the expected week of the child's birth.". After subsection (3) insert— "(3B) In a case where a child is born earlier than the 14th week before the expected week of the child's birth— (a) subsection (2)(b) shall be treated as satisfied in relation to a person if, had the birth occurred after the end of the relevant week, the person would have been in employed earner's employment with an employer for

a continuous period of at least 26 weeks ending with the relevant week;

(b) subsection (2)(c) shall be treated as satisfied in relation to a person if the person's normal weekly earnings for the period of 8 weeks ending with the week immediately preceding the week in which the child is born are not less than the lower earnings limit in force under section 5(1)(a) immediately before the commencement of the week in which the child is born; and

(c) subsection (2)(d) shall not apply.".

In subsection (6), for "the placement for adoption of more than one child as part of the same arrangement" substitute " the birth, or expected birth, of more than one child as a result of the same pregnancy ".

For subsection (7) substitute—

"(7) In this section—

"intended parent", in relation to a child, means a person who, on the day of the child's birth—

(a) applies, or intends to apply during the period of 6 months beginning with that day, with another person for a parental order in respect of the child, and

(b) expects the court to make a parental order on that application in respect of the child; and

"parental order" means an order under section 54(1) of the Human Fertilisation and Embryology Act 2008.".

Section 167ZE

In paragraph (b) of subsection (3), for "with the date of the child's placement for adoption" substitute " with the date of the child's birth ".

In subsection (4)—

(a) in paragraph (a), for "sub-paragraph (i) of section 167ZA(2)(a)" substitute " section 167ZA(2)(a)(i) ";

(b) in paragraph (b), for "sub-paragraph (ii) of that provision" substitute " section 167ZA(2)(a)(ii) or 167ZB(2)(ab) ".

In subsection (9), for "the reference in subsection (3)(a) to the date of the child's birth shall be read as a reference" substitute