STATUTORY RULES OF NORTHERN IRELAND

2006 No. 373

EMPLOYMENT

WORK AND FAMILIES

The Paternity and Adoption Leave (Amendment) Regulations (Northern Ireland) 2006

Made - - - - 15th September 2006

Coming into operation 1st October 2006

The Department for Employment and Learning(**1**), in exercise of the powers conferred by Articles 70C(2)(**2**), 107A(2) and (2A)(**3**), 107B(2) and (3)(**4**), 107C, 107D(**5**), 131(1)(**6**) and 251(6)(**7**) of the Employment Rights (Northern Ireland) Order 1996(**8**), and now vested in it(**9**), makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Paternity and Adoption Leave (Amendment) Regulations 2006 and shall come into operation on 1st October 2006.

2. In these Regulations "the principal Regulations" means the Paternity and Adoption Leave Regulations (Northern Ireland) 2002(**10**).

(**1**) Formerly the Department of Higher and Further Education, Training and Employment; *See*2001 c.15 (N.I.)

(**2**) Article 70C was inserted by paragraph 3 of Part III of Schedule 4 to the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (N.I. 9)) ("the 1999 Order") and paragraph (2) was amended by Article 17 and sub-paragraphs (6) and (7) of paragraph 4 of Schedule 2 to the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)) ("the 2002 Order"). Further amendments which are not relevant to these Regulations have been made to Article 70C by paragraph 29 of Schedule 1 to the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16)) ("the 2006 Order"). The word "prescribed" in Article 70C is defined in paragraph (2) of that Article

(**3**) Article 107A was inserted by Article 3 of the 2002 Order and paragraph (2A) was inserted by paragraph 32 of Schedule 1 to the 2006 Order

(**4**) Article 107B(2) was inserted by Article 3 of the 2002 Order and a new paragraph (3) was substituted by paragraph 33 of Schedule 1 to the 2006 Order

(**5**) Articles 107C and 107D were inserted by Article 3 of the 2002 Order

(**6**) Article 131was substituted by paragraph 8 of Part III of Schedule 4 to the 1999 Order

(**7**) Article 251 was amended by paragraph 16 of Part III of Schedule 4 to the 1999 Order, sub-paragraph (19) of paragraph 4 of Schedule 2 to the 2002 Order and sub-paragraph (10) of paragraph 2 of Schedule 5 to the Employment (Northern Ireland) Order 2003 (S.I. 2003/2902 (N.I. 15))

(**8**) S.I. 1996/1919 (N.I. 16)

(**9**) *See*S.R. 1999 No. 481 Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999

(**10**) S.R. 2002 No. 377

Application

3.—(1) The amendments to the principal Regulations provided for in these Regulations have effect only in relation to an employee with whom a child is expected to be placed for adoption, where the placement is expected to occur on or after 1st April 2007. For the purposes of this paragraph, the date on which the child is actually placed for adoption is immaterial.

(2) The amendments to the principal Regulations applied to adoption from overseas by virtue of and as modified by the Paternity and Adoption Leave (Adoption from Overseas) Regulations (Northern Ireland) 2003(**11**) have effect only where the adopter's child enters Northern Ireland on or after 1st April 2007.

(3) For the purposes of paragraph (2)—

"adopter", in relation to a child, means a person by whom the child has been or is to be adopted or, in a case where the child has been or is to be adopted by two people jointly, whichever of them has elected to take adoption leave in respect of the child;

"adoption from overseas" means the adoption of the child who enters Northern Ireland from outside the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom;

"enters Northern Ireland" means enters Northern Ireland from outside the United Kingdom in connection with or for the purposes of adoption.

Amendments to the principal Regulations

4. The principal Regulations shall be amended as follows.

5. In regulation 2(1) (interpretation), after the definition of "paternity leave" there shall be inserted the following definitions—

""statutory adoption leave" means ordinary adoption leave and additional adoption leave;

"statutory adoption leave period" means the period during which the adopter is on statutory adoption leave;".

6. After regulation 21 insert—

"**Work during adoption leave period**

21A.—(1) An employee may carry out up to 10 days' work for his employer during his statutory adoption leave period without bringing his statutory adoption leave to an end.

(2) For the purposes of this regulation, any work carried out on any day shall constitute a day's work.

(3) Subject to paragraph (4), for the purposes of this regulation, work means any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

(4) Reasonable contact from time to time between an employee and his employer which either party is entitled to make during a statutory adoption leave period (for example to discuss an employee's return to work) shall not bring that period to an end.

(5) This regulation does not confer any right on an employer to require that any work be carried out during the statutory adoption leave period, nor any right on an employee to work during the statutory adoption leave period.

(**11**) S.R. 2003 No. 222