STATUTORY RULES OF NORTHERN IRELAND

2003 No. 277

EMPLOYMENT

Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (Persons Abroad and Mariners) Regulations (Northern Ireland) 2003

Made - - - -	*22nd May 2003*
Coming into operation	*23rd May 2003*

The Department for Employment and Learning, in exercise of the powers conferred on it by sections 167ZI and 167ZR of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**) and with the concurrence of the Treasury(**2**), and of every other power enabling it in that behalf, hereby, by this Statutory Rule, which contains only regulations made by virtue of Articles 5 and 6 of the Employment (Northern Ireland) Order 2002(**3**) and which is made before the end of the period of 6 months beginning with the coming into operation of that statutory provision(**4**), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (Persons Abroad and Mariners) Regulations (Northern Ireland) 2003 and shall come into operation on 23rd May 2003.

Interpretation

2. In these Regulations, "adoption from overseas" means the adoption of a 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.

(**1**) 1992 c. 7; section 167ZI was inserted by Article 5 of the Employment (Northern Ireland) Order 2002 (S.I.2002/2836 (N.I. 2)) and section 167ZR was inserted by Article 6 of that Order. Parts XIIZA and XIIZB of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 are, by regulations made under sections 167ZK and 167ZT, namely the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Application of Parts XIIZA and XIIZB to Adoptions from Overseas) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 221), applied to cases which involve adoption, but not the placement of a child for adoption under the law of any part of the United Kingdom, with the modifications prescribed by those Regulations

(**2**) *See* sections 167ZI and 167ZR of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

(**3**) S.I. 2002/2836 (N.I. 2)

(**4**) *See* section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

Modifications of the Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2002 to adoptions from overseas

3.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2002(**5**) shall have effect in relation to adoptions from overseas with the modifications set out in paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) –

(a) in the definition of "adopter", for "has the same meaning as it has in the General Regulations" substitute "means a person by whom the child has been or is to be adopted";

(b) after the definition of "the General Regulations", insert –

> ""official notification" means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent;
>
> "relevant domestic authority" means –
>
> (a) in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003(**6**) apply, the Department of Health, Social Services and Public Safety; and
>
> (b) in any other case, the Secretary of State;".

(c) for the definition of "statutory paternity pay (birth)" and "statutory paternity pay (adoption)" substitute –

"statutory paternity pay (adoption)" means statutory paternity pay payable in accordance with the provisions of Part XIIZA of the Act, where the conditions specified in section 167ZB(2) of the Act are satisfied;".

(3) For regulation 1(3), substitute –

> "(3) References in these Regulations to provisions of Parts XIIZA and XIIZB of the Act are to be construed as references to those provisions as modified by the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Application of Parts XIIZA and XIIZB to Adoptions from Overseas) Regulations (Northern Ireland) 2003(**7**)."

(4) In regulation 5(2) (entitlement to statutory paternity pay (adoption)) –

(a) in the first line, after "and who" insert ", in the week in which the adopter receives an official notification or completes 26 weeks' continuous employment with his employer, whichever is the later"; and

(b) in sub-paragraph (a) omit the words "in the week in which the adopter is notified of being matched with the child for the purposes of adoption".

(5) In regulation 6 (entitlement to statutory adoption pay) –

(a) in the first line, after "and who" insert ", in the week in which he receives an official notification or completes 26 weeks' continuous employment with his employer, whichever is the later"; and

(b) in paragraph (a) omit the words "in the week in which he is notified that he has been matched with the child for the purposes of adoption".

(**5**) S.R. 2002 No. 382
(**6**) S.R. 2003 No. 16
(**7**) S.R. 2003 No. 221