STATUTORY RULES OF NORTHERN IRELAND

2003 No. 276

EMPLOYMENT

Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (Administration) 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 Articles 8(1), (2), (4) and (5), 9(1) and (2), 11(1) and (2) and 16(1) of the Employment (Northern Ireland) Order 2002(**1**) and Articles 7(1) and 23 of the Social Security Contributions (Transfer of Functions, Etc.) (Northern Ireland) Order 1999(**2**) and of every other power enabling it in that behalf, with the concurrence of the Commissioners of Inland Revenue, hereby 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) (Administration) 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**) S.I. 2002/2836 (N.I. 2)
(**2**) S.I. 1999/671; Articles 7(1) (fa) and (ga) were inserted by Article 10(2) of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)) Article 23 was amended by paragraph 7 of Schedule 2 to the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))

Modification of the Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations (Northern Ireland) 2002 to adoptions from overseas

3.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations (Northern Ireland) 2002(**3**) shall apply in the case of adoptions from overseas with the modifications set out in paragraphs (2) to (5).

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

(a) in the definition of "adopter" for the words "with whom the child is matched for adoption" substitute "by whom the child has been or is to be adopted";

(b) after the definition of "income tax quarter" 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;";

(c) in the definition of "paternity leave", insert at the end "as modified in its application to adoptions from overseas by the Employment Rights (Northern Ireland) 1996 (Application of Article 112B to Adoptions from Overseas) Regulations (Northern Ireland) 2003(**4**)"; and

(d) after the definition of "paternity pay period" insert –

> ""relevant domestic authority" means –
>
> (a) in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003(**5**) apply, the Department of Health, Social Services and Public Safety; and
>
> (b) in any other case, the Secretary of State;".

(3) After regulation 2(2), insert –

> "(3) References in these Regulations to provisions of Parts XIIZA and XIIZB of the Contributions and Benefits 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(**6**)."

(4) In regulation 11(3)(b)(ii) (time within which an employer is required to give decision that he has no liability to make payments), for "the end of the seven-day period that starts on the date on which the adopter is notified of having been matched with the child" substitute "the date on which the employee's evidence was provided, or, where not all of the evidence referred to in paragraph (1) was provided on one date, the date on which the last of the evidence was provided".

(5) Regulation 11(4) shall be omitted.

(**3**) S.R. 2002 No. 379
(**4**) S.R. 2003 No. 220
(**5**) S.R. 2003 No. 16
(**6**) S.R. 2003 No. 221