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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 223**

**Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoption from Overseas) Regulations (Northern Ireland) 2003**

GENERAL

**Citation and commencement**

1. These Regulations may be cited as the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) Regulations (Northern Ireland) 2003 and shall come into operation on 9th April 2003.

**Interpretation and scope**

2.—(1) In these Regulations –

“the Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(1)</sup>;

“adopter”, in relation to a child, means a person by whom the child has been or is to be adopted;

“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;

“the Application Regulations” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Application of Parts XIIZA and XIIZB to Adoptions from Overseas) Regulations (Northern Ireland) 2003<sup>(2)</sup>;

“enter Northern Ireland” means enter Northern Ireland from outside the United Kingdom in connection with or for the purposes of adoption, and cognate expressions shall be construed accordingly;

“the General Regulations” means the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002<sup>(3)</sup>;

“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<sup>(4)</sup> apply, the Department of Health, Social Services and Public Safety; and

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(1) 1992 c. 7  
(2) S.R. 2003 No. 221  
(3) S.R. 2002 No. 378  
(4) S.R. 2003 No. 16

(b) in any other case, the Secretary of State;

“statutory paternity pay (adoption)” means statutory paternity pay payable in accordance with the provisions of Part XIIZA of the Act, as modified by the Application Regulations, where the conditions specified in section 167ZB(2) of the Act, as modified by the Application Regulations, are satisfied.

(2) References in these Regulations to the provisions of Parts XIIZA and XIIZB of the Act are to be construed as references to those provisions as modified by the Application Regulations.

(3) These Regulations apply to statutory paternity pay (adoption) and statutory adoption pay in respect of adoptions from overseas.

### **Application of the General Regulations to these Regulations**

3.—(1) Subject to paragraph (2), the provisions of the General Regulations mentioned in paragraph (3) shall, insofar as they apply to statutory paternity pay (adoption) and statutory adoption pay, apply to adoptions from overseas.

(2) Any references to the provisions of Parts XIIZA or XIIZB of the Act in the regulations of the General Regulations mentioned in paragraph (3) shall be construed as references to those provisions as modified by the Application Regulations.

(3) The provisions of the General Regulations referred to in paragraph (1) are regulations 17 to 19, 26 to 28, 31 to 39, 41 to 47 and, subject to paragraph (4), regulation 40.

(4) In the General Regulations, the provisions of regulation 40 shall apply as if –

(a) in paragraph (2)(b), for “the adopter is notified of being matched with the child for the purposes of adoption” there were substituted “the adopter receives official notification”;

(b) at the end of paragraph (2), there were added ““official notification” has the same meaning as in the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoption from Overseas) Regulations (Northern Ireland) 2003(5)”.

### **Application**

4.—(1) Subject to the provisions of Part XIIZA of the Act (statutory paternity pay), the provisions of the General Regulations mentioned in paragraph (3) of regulation 3 and these Regulations, there is entitlement to statutory paternity pay (adoption) in respect of children who enter Northern Ireland on or after 9th April 2003.

(2) Subject to the provisions of Part XIIZB of the Act (statutory adoption pay), the provisions of the General Regulations mentioned in paragraph (3) of regulation 3 and these Regulations, there is entitlement to statutory adoption pay in respect of children who enter Northern Ireland on or after 9th April 2003.