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STATUTORY INSTRUMENTS

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**2006 No. 1947**

**The Work and Families (Northern Ireland) Order 2006**

*Additional paternity leave and pay*

**Entitlement to additional statutory paternity pay: adoption**

9. After section 167ZEA of the Contributions and Benefits Act insert—

**“Entitlement to additional statutory paternity pay: adoption**

**167ZEB.**—(1) The Department may by regulations provide that, where all the conditions in subsection (2) are satisfied in relation to a person (“the claimant”), the claimant shall be entitled in accordance with the following provisions of this Part to payments to be known as “additional statutory paternity pay”.

(2) Those conditions are—

(a) that the claimant satisfies prescribed conditions—

- (i) as to relationship with a child who has been placed for adoption under the law of any part of the United Kingdom, and
- (ii) as to relationship with a person with whom the child is so placed for adoption (“the adopter”);

(b) that the claimant has been in employed earner’s employment with an employer for a continuous period of at least the prescribed length ending with a prescribed week;

(c) that the claimant’s normal weekly earnings for a prescribed period ending with a prescribed week are not less than the lower earnings limit in force under section 5(1)(a) at the end of that week;

(d) if regulations so provide, that the claimant continues to work in employed earner’s employment (whether or not with that employer) until a prescribed time;

(e) that the adopter became entitled to statutory adoption pay by reference to the placement of the child for adoption;

(f) that the adopter has, in relation to employment as an employed or self-employed earner, taken action that is treated by regulations as constituting for the purposes of this section the adopter’s return to work;

(g) that the day on which the adopter is treated as returning to work falls—

- (i) after the end of a prescribed period beginning with the placement of the child for adoption, but
- (ii) at a time when at least a prescribed part of the adopter’s adoption pay period remains unexpired;

(h) that it is the claimant’s intention to care for the child during a period beginning not later than a prescribed time.

(3) The regulations may—

- (a) exclude the application of the conditions mentioned in paragraphs (f) and (g) of subsection (2) in cases where the adopter has died, and
  - (b) provide that the condition mentioned in paragraph (e) of that subsection shall have effect with prescribed modifications in such cases.
- (4) A person may not elect to receive additional statutory paternity pay if he has elected in accordance with section 167ZL to receive statutory adoption pay.
- (5) A person's entitlement to additional statutory paternity pay under this section shall not be affected by the placement for adoption of more than one child as part of the same arrangement.”.