

2010 No. 304

EMPLOYMENT

**The Ordinary Statutory Paternity Pay (Adoption), Additional
Statutory Paternity Pay (Adoption) and Statutory Adoption Pay
(Adoptions from Overseas) (Persons Abroad and Mariners)
Regulations (Northern Ireland) 2010**

Made - - - - 9th September 2010

Coming into operation in accordance with regulation 1(2)

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by sections 167ZI, 167ZJ(1), 167ZR and 167ZS(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and with the concurrence of the Treasury(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Ordinary Statutory Paternity Pay (Adoption), Additional Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (Persons Abroad and Mariners) Regulations (Northern Ireland) 2010.

(2) These Regulations come into operation immediately after the coming into operation of the Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2002 (Amendment) Regulations (Northern Ireland) 2010(c).

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.

Revocation

3. The Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (Persons Abroad and Mariners) Regulations (Northern Ireland) 2003(d) are revoked.

(a) 1992 c. 7. Sections 167ZI and 167ZJ were inserted by Article 5 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836), and sections 167ZR and 167ZS were inserted by Article 6 of that Order. Sections 167ZJ(1) and 167ZS(1) are cited because of the meaning ascribed to the word “prescribed”. Parts 12ZA and 12ZB of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 are, by regulations made under sections 167ZK and 167ZT (S.R. 2003 No. 221 as amended by S.R. 2010 No. 305), applied to cases which involve adoptions from overseas with the modifications prescribed by those Regulations.

(b) See sections 167ZI(1) and 167ZR(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

(c) S.R. 2010 No. 306.

(d) S.R. 2003 No. 277.

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

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

(2) In regulation 1(2) (interpretation)—

(a) omit the definitions of “additional statutory paternity pay (birth)” and “ordinary statutory paternity pay (birth)”;

(b) for the definition of “adopter”, substitute—

““adopter”, in relation to a child adopted from overseas, means—

(a) a person by whom the child has been or is to be adopted, or

(b) 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 under Article 107A or 107B of the Employment Rights (Northern Ireland) Order 1996(b) in respect of the child;”;

(c) after the definition of “mariner”, insert—

““official notification” means written notification, issued by or on behalf of the relevant central 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;”;

(d) after the definition of “ordinary statutory paternity pay (birth)”, insert—

““relevant central authority” means—

(a) in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003 apply, the Department of Health, Social Services and Public Safety(c);

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

(3) For regulation 1(3), substitute—

“(3) References in these Regulations to provisions of Parts 12ZA and 12ZB 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 12ZA and 12ZB to Adoptions from Overseas) Regulations (Northern Ireland) 2003(d).”.

(4) In regulation 5 (entitlement to ordinary statutory paternity pay and additional statutory paternity pay where person has worked in an EEA State)—

(a) omit paragraph (1);

(b) in the first line of paragraph (2), after “and who”, insert “, in the week in which the person receives an official notification or completes 26 weeks’ continuous employment with the person’s employer, whichever is the later”; and

(c) in paragraph (2)(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 where person has worked in an EEA State)—

(a) S.R. 2002 No. 382 as amended by S.R. 2010 No. 306.

(b) S.I. 1996/1919 (N.I. 16). Articles 107A and 107B were inserted by Article 3 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)).

(c) S.R. 2003 No. 16.

(d) S.R. 2003 No. 221 as amended by S.R. 2010 No. 305.

- (a) in the first line, after “and who”, insert “, in the week in which the person receives an official notification or completes 26 weeks’ continuous employment with the person’s employer, whichever is the later”;
- (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”; and
- (c) in the full out, for the word “he”, substitute “the person”.

Sealed with the Official Seal of the Department for Employment and Learning on 9th September 2010.



Sir Reg Empey
Minister for Employment and Learning

We concur in making these Regulations.

Michael Fabricant
Angela Watkinson

Date 15th September 2010

Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the application of the Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 382) as amended by S.R. 2010 No. 306 (“the Persons Abroad and Mariners Regulations”) in relation to adoptions from overseas.

The Persons Abroad and Mariners Regulations provide for certain special classes of person to benefit from provisions in Parts 12ZA and 12ZB of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 relating to ordinary paternity pay, additional paternity pay and statutory adoption pay.

Regulation 4 modifies the application of the Persons Abroad and Mariners Regulations to cater for overseas adoptions. The Persons Abroad and Mariners Regulations refer in several places to a person being “matched” with a child for adoption. The modifications take account of the fact that there is no “matching” in the case of adoptions from overseas, by substituting alternative references and defining a point at which an overseas adopter receives “official notification” of the overseas adoption. Regulation 3 revokes the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (Persons Abroad and Mariners) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 277), which are replaced by these Regulations.

A full impact assessment has not been produced for this Statutory Rule as a negligible impact on the private or voluntary sectors is foreseen.

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£4.00

Dd. N4515. C2. 9/10. Gp. 130. 14567.