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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 103**

**The Statutory Shared Parental Pay (Persons Abroad  
and Mariners) Regulations (Northern Ireland) 2015**

**PART 2**

**Statutory shared parental pay**

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“adopter”, in relation to a child, means the person with whom a child is, or is expected to be, placed for adoption under the law of the United Kingdom;

“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;

“EEA” means European Economic Area;

“foreign-going ship” means any ship or vessel which is not a home-trade ship;

“General Regulations” means the Statutory Shared Parental Pay (General) Regulations (Northern Ireland) 2015<sup>(1)</sup>;

“home-trade ship” includes—

(a) every ship or vessel employed in trading or going within the following limits—

- (i) the United Kingdom (including for this purpose the Republic of Ireland),
- (ii) the Channel Islands,
- (iii) the Isle of Man, and
- (iv) the continent of Europe between the river Elbe and Brest inclusive;

(b) every fishing vessel not proceeding beyond the following limits—

- (i) on the South, Latitude 48°30'N,
- (ii) on the West, Longitude 12°W, and
- (iii) on the North, Latitude 61°N;

“mariner” means a person who is or has been in employment under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel where—

(a) the employment in that other capacity is for the purposes of that ship or vessel or her crew or any passengers or cargo or mails carried by the ship or vessel; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on her voyage,

but does not include a person in so far as their employment is as a serving member of the forces;

“placed for adoption” means—

(a) placed for adoption by virtue of regulation 12 of the Adoption Agencies Regulations (Northern Ireland) 1989<sup>(2)</sup>;

(b) placed by an authority with a person who is an approved foster parent who is also an approved prospective adopter<sup>(3)</sup> where the authority—

(i) is considering adoption for the child, or

(ii) is satisfied that adoption is in the best interests of the child,

and is considering whether that person would be a suitable adoptive parent for that child;

(c) placed for adoption under the Adoption and Children Act 2002<sup>(4)</sup> or the Adoption and Children (Scotland) Act 2007<sup>(5)</sup>; or

(d) placed in accordance with section 22C of the Children Act 1989<sup>(6)</sup> with a local authority foster parent who is also a prospective adopter;

“serving member of the forces” means a person, other than one mentioned in Part 2 of Schedule 1, who, being over the age of 16, is a member of any establishment or organisation specified in Part 1 of that Schedule (being a member who gives full pay service) but does not include any such person while absent on desertion;

“statutory shared parental pay (adoption)” means statutory shared parental pay payable where entitlement to that pay arises under regulation 17 or 18 of the General Regulations;

“statutory shared parental pay (birth)” means statutory shared parental pay payable where entitlement to that pay arises under regulation 4 or 5 of the General Regulations.

(2) For the purposes of these regulations, the expressions “ship” and “ship or vessel” include hovercraft, except in regulation 9<sup>(2)</sup>.

(3) For the purposes of these Regulations—

(a) a person is matched with a child for adoption when an adoption agency decides that that person would be a suitable adoptive parent for the child;

(b) in a case where sub-paragraph (a) applies, a person is notified as having been matched with a child on the date that person receives notification of the agency’s decision, under regulation 11(2)(d) of the Adoption Agencies Regulations (Northern Ireland) 1989, regulation 33(3)(a) of the Adoption Agencies Regulations 2005<sup>(7)</sup>, regulation 28(3) of the Adoption Agencies (Wales) Regulations 2005<sup>(8)</sup> or regulation 8(5) of the Adoption Agencies (Scotland) Regulations 2009<sup>(9)</sup>;

(c) a person is also matched with a child where each of the following conditions is met—

(i) that person is an approved foster parent and an approved prospective adopter, and the child is, or is expected to be, placed by the authority with that person under Article 27(2)(a) of the Children (Northern Ireland) Order 1995<sup>(10)</sup>;

(2) S.R. 1989 No. 253.

(3) “Approved foster parent”, “approved prospective adopter” and “authority” are defined in section 167ZY(4) of 1992 c. 7, as inserted by 2015 c. 1 (N.I.), section 5(2).

(4) 2002 c.38.

(5) 2007 asp 4.

(6) 1989 c. 41; section 22C was inserted by the Children and Young Persons Act 2008 (c. 23), section 8(1).

(7) S.I. 2005/389.

(8) S.I. 2005/1313.

(9) S.S.I. 2009/154.

(10) S.I. 1995/755 (N.I. 2).

- (ii) the authority—
  - (aa) is considering adoption for the child, or
  - (bb) is satisfied that adoption is in the best interests of the child;
- (iii) the authority is considering whether that person would be a suitable adoptive parent for that child;
- (d) in a case where sub-paragraph (c) applies, a person is notified as having been matched with a child on the date on which that person receives notification from the authority that the conditions in that sub-paragraph have been met;
- (e) a person is also matched with a child for adoption when a decision has been made in accordance with regulation 22A of the Care Planning, Placement and Case Review (England) Regulations 2010<sup>(11)</sup> and an adoption agency has identified that person with whom the child is to be placed in accordance with regulation 12B of the Adoption Agencies Regulations 2005<sup>(12)</sup>;
- (f) in a case where sub-paragraph (e) applies, a person is notified as having been matched with a child on the date on which that person receives notification in accordance with regulation 12B(2)(a) of the Adoption Agencies Regulations 2005.
- (4) In paragraph (d) of the definition of “placed for adoption” in paragraph (1)—
  - “local authority foster parent” means a person approved as a local authority foster parent in accordance with regulations made by virtue of paragraph 12F of Schedule 2 to the Children Act 1989<sup>(13)</sup>;
  - “prospective adopter” means a person who has been approved as suitable to adopt a child and has been notified of that decision in accordance with regulation 30B(4) of the Adoption Agencies Regulations 2005.
- (5) The reference to “adoption agency” in paragraph (3) has the meaning given—
  - (a) in relation to Northern Ireland, by Article 3(3) of the Adoption (Northern Ireland) Order 1987<sup>(14)</sup>;
  - (b) in relation to England and Wales, by section 2(1) of the Adoption and Children Act 2002<sup>(15)</sup>; and
  - (c) in relation to Scotland, by section 119(1) of the Adoption and Children (Scotland) Act 2007<sup>(16)</sup>.

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<sup>(11)</sup> S.I. 2010/959; amended by S.I. 2014/1556; there is another amending instrument but it is not relevant.

<sup>(12)</sup> S. I. 2005/389; amended by S.I. 2014/1556; there are other amending instruments but none is relevant.

<sup>(13)</sup> 1989 c. 41; paragraph 12F was inserted by the Children and Young Persons Act 2008, Schedule 1, paragraph 4.

<sup>(14)</sup> S.I. 1987/2203 (N.I. 22); Article 3(3) was amended by S.I. 1994/429 (N.I. 2).

<sup>(15)</sup> 2002 c. 38.

<sup>(16)</sup> 2007 asp 4.