

## SCHEDULE 1

Regulation 2(1)

### PART 1

#### Establishments and organisations

1. Any of the regular, naval, military or air forces of the Crown.
2. Royal Fleet Reserve.
3. Royal Naval Reserve.
4. Royal Marines Reserve.
5. Army Reserve.
6. Territorial Army.
7. Royal Air Force Reserve.
8. Royal Auxiliary Air Force.
9. The Royal Irish Regiment, to the extent that its members are not members of any force falling within paragraph 1.

### PART 2

#### Establishments and organisations of which Her Majesty's forces shall not consist

10. Her Majesty's forces shall not be taken to consist of any of the establishments or organisations specified in Part 1 of this Schedule by virtue only of the employment in such establishment or organisation of the following persons—

- (a) any person who is serving as a member of any naval force of Her Majesty's forces and who (not having been an insured person under the National Insurance Act (Northern Ireland) 1966<sup>M1</sup> and not being a contributor under the Social Security (Northern Ireland) Act 1975<sup>M2</sup> or the Social Security Contributions and Benefits (Northern Ireland) Act 1992) locally entered that force at an overseas base;
- (b) any person who is serving as a member of any military force of Her Majesty's forces and who entered that force, or was recruited for that force outside the United Kingdom, and the depot of whose unit is situated outside the United Kingdom;
- (c) any person who is serving as a member of any air force of Her Majesty's forces and who entered that force, or was recruited for that force, outside the United Kingdom, and is liable under the terms of his engagement to serve only in a specified part of the world outside the United Kingdom.

#### Marginal Citations

**M1** 1966 c. 6 (N.I.).

**M2** 1976 c. 15.

## SCHEDULE 2

Regulation 11

## Adoptions from overseas

**Interpretation**

1. In this Schedule “the Application Regulations” means the Social Security Contributions and Benefits Act 1992 (Application of Parts 12ZA, 12ZB and 12ZC to Adoptions from Overseas) Regulations (Northern Ireland) 2003 <sup>M3</sup>.

**Marginal Citations**

**M3** S.R. 2003 No. 221, as amended for relevant purposes by S.R. 2015 No. 88.

**Application to adoptions from overseas**

2.—(1) The provisions of these Regulations, in so far as they apply to statutory shared parental pay (adoption), apply to adoptions from overseas with the modifications set out in paragraphs 3 to 6 and subject to sub-paragraph (2).

(2) Any references in these Regulations to the provisions of Part 12ZC of the Act must be construed as references to the provisions of Part 12ZC as modified by the Application Regulations.

**Modifications of the Regulations for the purposes of adoptions from overseas**

3. The Regulations are modified as follows.

4.—(1) Regulation 2 (interpretation) is modified as follows.

(2) In paragraph (1)—

(a) for the definition of “adopter” substitute—

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

(b) for the definition of “statutory shared parental pay (adoption)” substitute—

““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 as modified by the Statutory Shared Parental Pay (Adoption from Overseas) Regulations (Northern Ireland) 2015 <sup>M4</sup>;”;

(c) insert the following definitions in the appropriate places alphabetically—

““enter Northern Ireland” means enter Northern Ireland from outside the United Kingdom in connection with or for the purposes of adoption;”;

““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 that it 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 central authority” means—

(a) in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003 <sup>M5</sup> apply, the Department of Health, Social Services and Public Safety; and

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

**Marginal Citations**

**M4** S.R. 2015 No. 99.

**M5** S.R. 2003 No. 16, to which there are amendments not relevant to these Regulations.

5. In Regulation 3 (application), for paragraph (b) substitute—

“(b) statutory shared parental pay (adoption) in respect of children who enter Northern Ireland on or after 5th April 2015.”.

6.—(1) In regulation 7 (entitlement to shared parental pay where person has worked in an EEA State), for paragraph (2) substitute—

“(2) A person who—

- (a) is an employee or treated as an employee under regulation 5;
- (b) in the week in which the adopter received the official notification was in employed earner's employment with an employer in Northern Ireland; and
- (c) had in any week within the period of 26 weeks immediately preceding that week been employed by the same employer in [<sup>F1</sup>an] EEA State,

shall be treated for the purposes of sections 167ZW and 167ZX of the Act (entitlement to shared parental pay: adoption) as modified by the Application Regulations as having been employed in employed earner's employment in those weeks in which the person was so employed in [<sup>F2</sup>the EEA] State.”.

**F1** Word in Sch. 2 para. 6(1) substituted (31.12.2020) by The Employment Rights (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/537), reg. 1(1), Sch. para. 8(4)(a); 2020 c. 1, Sch. 5 para. 1(1)

**F2** Words in Sch. 2 para. 6(1) substituted (31.12.2020) by The Employment Rights (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/537), reg. 1(1), Sch. para. 8(4)(b); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Statutory Shared Parental Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 2015.