

SCHEDULE 1

Regulation 3

Application of Part 12ZA of the Act to parental order cases

<i>Provision</i>	<i>Modification</i>
Section 167ZA	<p>After subsection (4) insert—</p> <p>“(4A) A person who satisfies the conditions in section 167ZB(2)(a) to (d) in relation to a child is not entitled to statutory paternity pay under this section in respect of that child.”.</p>
Section 167ZB	<p>For paragraph (a) of subsection (2) substitute—</p> <p>“(a) that he satisfies prescribed conditions as to being a person—</p> <ul style="list-style-type: none">(i) on whose application the court has made a parental order in respect of a child, or(ii) who is an intended parent of a child; <p>(ab) that he satisfies prescribed conditions as to relationship with the other person on whose application the parental order was made or who is an intended parent of the child;”.</p> <p>In paragraph (d) of subsection (2), for “the day on which the child is placed for adoption” substitute “the day on which the child is born”.</p> <p>In paragraph (e) of subsection (2), omit “where he is a person with whom the child is placed for adoption.”.</p> <p>For subsection (3) substitute—</p> <p>“(3) The references in this section to the relevant week are to the week immediately preceding the 14th week before the expected week of the child’s birth.”.</p> <p>After subsection (3) insert—</p> <p>“(3B) In a case where a child is born earlier than the 14th week before the expected week of the child’s birth—</p> <ul style="list-style-type: none">(a) subsection (2)(b) shall be treated as satisfied in relation to a person if, had the birth occurred after the end of the relevant week, the person would have been in employed earner’s employment with an employer for a continuous period of at least 26 weeks ending with the relevant week;

Status: This is the original version (as it was originally made).

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	<p>(b) subsection (2)(c) shall be treated as satisfied in relation to a person if the person’s normal weekly earnings for the period of 8 weeks ending with the week immediately preceding the week in which the child is born are not less than the lower earnings limit in force under section 5(1)(a) immediately before the commencement of the week in which the child is born; and</p> <p>(c) subsection (2)(d) shall not apply.”.</p> <p>In subsection (6), for “the placement for adoption of more than one child as part of the same arrangement” substitute “the birth, or expected birth, of more than one child as a result of the same pregnancy”.</p> <p>For subsection (7) substitute—</p> <p>“(7) In this section—</p> <p>“intended parent”, in relation to a child, means a person who, on the day of the child’s birth—</p> <p>(a) applies, or intends to apply during the period of 6 months beginning with that day, with another person for a parental order in respect of the child, and</p> <p>(b) expects the court to make a parental order on that application in respect of the child; and</p> <p>“parental order” means an order under section 54(1) of the Human Fertilisation and Embryology Act 2008.”.</p> <p>In paragraph (b) of subsection (3), for “with the date of the child’s placement for adoption” substitute “with the date of the child’s birth”.</p> <p>In subsection (4)—</p> <p>(a) in paragraph (a), for “sub-paragraph (i) of section 167ZA(2)(a)” substitute “section 167ZA(2)(a)(i)”; </p> <p>(b) in paragraph (b), for “sub-paragraph (ii) of that provision” substitute “section 167ZA(2)(a)(ii) or 167ZB(2)(ab)”.</p> <p>In subsection (9), for “the reference in subsection (3)(a) to the date of the child’s birth shall be read as a reference” substitute “the</p>
Section 167ZE	

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	references in subsection (3)(a) and (b) to the date of the child's birth shall be read as references".
	Omit subsection (10).
	Omit subsection (12).