
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 92

The Statutory Paternity Pay and Statutory Adoption Pay (Parental Orders and Prospective Adopters) Regulations (Northern Ireland) 2015

PART 2

AMENDMENT OF THE PAY REGULATIONS

4.—(1) Regulation 2 (interpretation) of the Pay Regulations is amended as follows.

(2) For paragraph (2) substitute—

“(2) 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, 33(3)(a) of the Adoption Agencies Regulations 2005^{M1}, regulation 28(3) of the Adoption Agencies (Wales) Regulations 2005 or regulation 8(5) of the Adoption Agencies (Scotland) Regulations 2009;
- (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;
 - (ii) the authority—
 - (aa) is considering adoption for the child; or
 - (bb) is satisfied that adoption is in the best interests of the child, and
 - (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 of being 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 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;

- (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.”.
- (3) After paragraph (2), as substituted by this regulation, insert—
- “**(3)** A reference (however expressed) in these Regulations to “placed for adoption” means—
- (a) placed for adoption by virtue of regulation 12 of the Adoption Agencies Regulations (Northern Ireland) 1989;
 - (b) placed by an authority with a person who is an approved foster parent who is also an approved prospective adopter 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 or the Adoption and Children (Scotland) Act 2007; or
 - (d) placed in accordance with section 22C of the Children Act 1989^{M2} with a local authority foster parent who is also a prospective adopter.
- (4) In paragraph (3)(d)—
- “the 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;
- “the 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.”.

Marginal Citations

M1 S.I. 2005/389.

M2 1989 c. 41; section 22C was inserted by section 8(1) of the [Children and Young Persons Act 2008](#) (c. 23).

5.—(1) Regulation 22 (adoption pay period in cases where adoption is disrupted) of the Pay Regulations is amended as follows.

(2) Paragraph (1)(a)(ii) is substituted by—

“(ii) the child is returned after being placed, or”.

(3) After paragraph (4) insert—

“(5) In paragraph (1) “returned after being placed” means—

- (a) returned to the authority under Article 31(3) of the Adoption (Northern Ireland) Order 1987;
- (b) where the child is placed for adoption in the circumstances described in paragraph (b) of the definition of “placed for adoption” in regulation 2(3), returned to the authority following termination of the placement;

- (c) returned to the adoption agency under sections 31 to 35 of the Adoption and Children Act 2002;
- (d) in Scotland, returned to the adoption agency, adoption society or nominated person in accordance with section 25(6) of the Adoption and Children (Scotland) Act 2007; or
- (e) where the child is placed in accordance with section 22C of the Children Act 1989, returned to the adoption agency following termination of the placement.”

Changes to legislation:

There are currently no known outstanding effects for the The Statutory Paternity Pay and Statutory Adoption Pay (Parental Orders and Prospective Adopters) Regulations (Northern Ireland) 2015, PART 2.