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WELSH STATUTORY INSTRUMENTS

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**2016 No. 413**

**The Social Services and Well-being (Wales) Act  
2014 (Consequential Amendments) Regulations 2016**

*Social Security Contributions and Benefits Act 1992 (c. 4)*

**130.** The Social Security Contributions and Benefits Act 1992 is amended as follows.

**131.** In section 143 (meaning of “person responsible for child or qualifying young person”), in subsection (3)(c)**(1)**—

- (a) omit sub-paragraph (i);
- (b) after sub-paragraph (vii) omit “or”;
- (c) after sub-paragraph (viii) insert—

“or

(ix) Part 4 of the Social Services and Well-being (Wales) Act 2014.”

**132.** In section 171ZB**(2)** (entitlement: adoption) at the end insert—

“(10) This section has effect in a case involving a child placed under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales with a local authority foster parent who has been approved as a prospective adopter with the following modifications—

- (a) the references in subsection (2) to a child being placed for adoption under the law of any part of the United Kingdom are to be treated as references to a child being placed under section 81 in that manner;
- (b) the reference in subsection (3) to the week in which the adopter is notified of being matched with the child for the purposes of adoption is to be treated as a reference to the week in which the prospective adopter is notified that the child is to be, or is expected to be, placed with the prospective adopter under section 81;
- (c) the reference in subsection (6) to placement for adoption is to be treated as a reference to placement under section 81;
- (d) the definition in subsection (7) is to be treated as if it were a definition of “prospective adopter”.

(11) Where, by virtue of subsection (10), a person becomes entitled to statutory paternity pay in connection with the placement of a child under section 81 of the Social Services and Well-being (Wales) Act 2014, the person may not become entitled to payments of statutory paternity pay in connection with the placement of the child for adoption.”

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(1) In section 143(3)(c), sub-paragraphs (vii) and (viii) were substituted by [S.I. 2013/1465](#), Part 1 of Schedule 1, paragraph 4(2).  
(2) Sections 171ZB and 171ZE were inserted by the [Employment Act 2002 \(c. 22\)](#), section 2. Sections 171ZA to 171ZE were moved under a new heading “Ordinary Statutory Paternity Pay” by the [Work and Families Act 2006 \(c. 18\)](#) Schedule 1, paragraph 11. These sections were then moved to Part XIIZA upon the repeal of the “Ordinary Statutory Paternity Pay” heading by the [Children and Families Act 2014 \(c. 6\)](#), Schedule 7, paragraph 11. Subsections (8) and (9) of section 171ZB were inserted by the [Children and Families Act 2014](#), section 121(3).

**133.** In section 171ZE(3) (rate and period of pay) at the end insert—

“(13) Where statutory paternity pay is payable to a person by virtue of section 171ZB(10), this section has effect as if—

- (a) the references in subsections (3)(b) and (10) to placement for adoption were references to placement under section 81 of the Social Services and Well-being (Wales) Act 2014;
- (b) the references in subsection (10) to being placed for adoption were references to being placed under section 81.”

**134.** In section 171ZJ(1)(4) (Part 12ZA: supplementary) in the definition of “local authority foster parent”, for “section 22C(12)” substitute “section 105(1)”.**135.** In section 171ZL(5) (entitlement) at the end insert—

“(11) This section has effect in a case involving a child who is, or is expected to be, placed under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales with a local authority foster parent who has been approved as a prospective adopter with the following modifications—

- (a) the references in subsections (2)(a) and (4A)(a) to a child being placed for adoption under the law of any part of the United Kingdom are to be treated as references to a child being placed under section 81 in that manner;
- (b) the reference in subsection (3) to the week in which the person is notified that he has been matched with the child for the purposes of adoption is to be treated as a reference to the week in which the person is notified that the child is to be, or is expected to be placed with him under section 8;
- (c) the references in subsection (4B)(a) to adoption are to be treated as references to placement under section 81;
- (d) the reference in subsection (5) to placement, or expected placement, for adoption is to be treated as a reference to placement, or expected placement under section 81.

(12) Where, by virtue of subsection (11), a person becomes entitled to statutory adoption pay in respect of a child who is, or is expected to be, placed under section 81 of the Social Services and Well-being (Wales) Act 2014, the person may not become entitled to payments of statutory adoption pay as a result of the child being, or being expected to be, placed for adoption.”

**136.** In section 171ZN(6) (rate and period of pay) at the end insert—

“(10) Where statutory adoption pay is payable to a person by virtue of section 171ZL(11), this section has effect as if the reference in subsection (2F) to the week in which the person is notified that he has been matched with a child for the purposes of adoption were a reference to the week in which the person is notified that a child is to be, or is expected to be, placed with him under section 81 of the Social Services and Well-being (Wales) Act 2014.”

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- (3) Subsection (12) of section 171ZE was inserted by the Children and Families Act 2014 (c. 6), section 121(4).
  - (4) Section 171ZJ was inserted by the Employment Act 2002 (c. 22), section 2. This section was moved under heading “Ordinary and additional statutory paternity pay: supplementary provisions” by the Work and Families Act 2006 (c. 18), Schedule 1, paragraph 17. The section was then moved again to Part XIIZA upon the repeal of the cross-heading, “Ordinary and additional statutory paternity pay: supplementary provisions” by the Children and Families Act 2014 (c. 6), Schedule 7, paragraph 18. The definition of “local authority foster parent” in subsection (1) was inserted by the Children and Families Act 2014, section 121(7)(a).
  - (5) Section 171ZL was inserted by the Employment Act 2002 (c. 22), section 4. Subsections (9) and (10) were inserted by the Children and Families Act 2014 (c. 6), section 121(5).
  - (6) Section 171ZN was inserted by the Employment Act 2002 (c. 22), section 4. Subsection (9) was inserted by the Children and Families Act 2014 (c. 6), section 121(6).

**137.** In section 171ZS(1)(7) (Part 12ZB: supplementary) in the definition of “local authority foster parent”, for “section 22C(12)” substitute “section 105(1)”.

**138.** In section 171ZV(8) (entitlement: adoption) for subsections (17) and (18) substitute—

“(17) Regulations are to provide for entitlement to statutory shared parental pay in respect of a child placed, or expected to be placed—

- (a) under section 22C of the Children Act 1989 by a local authority in England, or
- (b) under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales,

with a local authority foster parent who has been approved as a prospective adopter.

(18) This section has effect in relation to regulations made by virtue of subsection (17) as if—

- (a) references to a child being placed for adoption under the law of any part of the United Kingdom were references to being placed under section 22C of the Children Act 1989 or section 81 of the Social Services and Well-being (Wales) Act 2014 with a local authority foster parent who has been approved as a prospective adopter;
- (b) references to a placement for adoption were references to placement under section 22C of the Children Act 1989 or section 81 of the Social Services and Well-being (Wales) Act 2014 with such a person.”

**139.** In section 171ZZ4(1)(9) (Part 12ZC: supplementary) in the definition of “local authority foster parent”, for “section 22C(12)” substitute “section 105(1)”.

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(7) Section 171ZS was inserted by the Employment Act 2002 (c. 22), section 4. The definition of “local authority foster parent” was inserted by the Children and Families Act 2014 (c. 6), section 121(7)(b).

(8) Section 171ZV was inserted by the Children and Families Act 2014 (c. 6), section 119(1).

(9) Section 171ZZ4 was inserted by the Children and Families Act 2014 (c. 6), section 119(1).