



2015 CHAPTER 1

PART 2

SHARED RIGHTS TO LEAVE AND PAY

*Other statutory rights*

**Other statutory rights to pay of prospective adopters with whom looked after children are placed**

9.—(1) The Contributions and Benefits Act is amended as follows.

(2) After section 167ZB (entitlement to ordinary statutory paternity pay: adoption), insert—

**“167ZBA Entitlement: prospective adopters with whom looked after children are placed**

(1) Subsection (3) applies in a case involving a child who is looked after by an authority and who is placed by the authority under Article 27(2)(a) of the Children (Northern Ireland) Order 1995, in the circumstances mentioned in paragraph (2), with an approved foster parent who is also an approved prospective adopter.

(2) The circumstances are that—

(a) the authority—

(i) is considering adoption for the child, or

(ii) has decided by virtue of regulation 11 of the Adoption Agencies Regulations (Northern Ireland) 1989 that it is satisfied that adoption is in the best interests of the child, and

(b) such conditions as may be prescribed are satisfied.

(3) Section 167ZB has effect as if the following references or definitions were such references or definitions as may be prescribed—

- (a) the references in subsection (2) to a child being placed for adoption under the law of any part of the United Kingdom,
- (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,
- (c) the reference in subsection (6) to placement for adoption,
- (d) the definition of “adopter” in subsection (7).

(4) Where, by virtue of subsections (1) to (3), a person becomes entitled to statutory paternity pay in connection with the placement of a child as mentioned in those subsections, the person may not become entitled to payments of statutory paternity pay in connection with the placement of the child for adoption.

(5) In this section—

“approved foster parent” means a person approved as a foster parent by the authority under regulation 3 of the Foster Placement (Children) Regulations (Northern Ireland) 1996,

“approved prospective adopter” means a person considered by the authority by virtue of the Adoption Agencies Regulations (Northern Ireland) 1989 to be a person suitable to adopt a child,

“authority” has the same meaning as in the Children (Northern Ireland) Order 1995 (see Article 2(2) and (3) of the Order),

“child who is looked after by an authority” has the same meaning as in that Order (see Articles 2(7)(b) and 25 of the Order).

(6) The Department may by order amend the definition of, or substitute another definition for the definition of, “approved foster parent” or “approved prospective adopter” for the time being contained in subsection (5), in consequence of any modification or replacement of the regulations referred to in the definition.”.

(3) In section 167ZE (rate and period of statutory paternity pay), after subsection (11) add—

“(12) Where statutory paternity pay is payable to a person by virtue of section 167ZBA(1) to (3), this section has effect as if the following references were such references as may be prescribed—

- (a) the references in subsections (3)(b) and (10) to placement for adoption,
- (b) the references in subsection (10) to being placed for adoption.”.

(4) After section 167ZL (entitlement to statutory adoption pay), insert—

**“167ZLA Entitlement: prospective adopters with whom looked after children are placed**

(1) Subsection (3) applies in a case involving a child who is looked after by an authority and who is, or is expected to be, placed by the authority under Article 27(2)(a) of the Children (Northern Ireland) Order 1995, in the circumstances mentioned in paragraph (2), with an approved foster parent who is also an approved prospective adopter.

(2) The circumstances are that—

(a) the authority—

(i) is considering adoption for the child, or

(ii) has decided by virtue of regulation 11 of the Adoption Agencies Regulations (Northern Ireland) 1989 that it is satisfied that adoption is in the best interests of the child, and

(b) such conditions as may be prescribed are satisfied.

(3) Section 167ZL has effect as if the following references or definitions were such references or definitions as may be prescribed—

(a) the reference in subsection (2)(a) to a child being placed for adoption under the law of any part of the United Kingdom,

(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,

(c) the reference in subsection (5) to placement, or expected placement, for adoption.

(4) Where, by virtue of subsections (1) to (3), a person becomes entitled to statutory adoption pay in respect of a child who is, or is expected to be placed as mentioned in subsection (1), 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.

(5) In this section, “approved foster parent”, “approved prospective adopter”, “authority” and “child who is looked after by an authority” have the same meaning as in section 167ZBA.”.

(5) In section 167ZN (rate and period of statutory adoption pay), after subsection (8) add—

“(9) Where statutory adoption pay is payable to a person by virtue of section 167ZLA(1) to (3), 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 such reference as may be prescribed.”.