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*Changes to legislation: Adoption and Children Act (Northern Ireland) 2022, Cross Heading: The Employment Rights (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 11 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PROSPECTIVE

## SCHEDULES

### SCHEDULE 3

Minor and consequential amendments

#### PART 1

Amendments of primary legislation

#### *The Employment Rights (Northern Ireland) Order 1996*

**46.** In Article 85ZJ (right to paid time off to attend adoption appointments) in paragraph (13) for “for the purposes of the Adoption (Northern Ireland) Order 1987 (see Articles 2(2) and 3(3) of the Order)” substitute “within the meaning of section 2(2) of the Adoption and Children Act (Northern Ireland) 2022”.

#### Commencement Information

**II** Sch. 3 para. 46 not in operation at Royal Assent, see [s. 160\(1\)](#)

**47.—(1)** Article 85ZS (entitlement: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In paragraph (1)—

- (a) for the words “an approved foster parent and an approved prospective adopter” substitute “approved as an authority foster parent and approved as a prospective adopter”;
- (b) omit “who is looked after by it”;
- (c) omit “, in the circumstances mentioned in paragraph (2),”;
- (d) for “Article 27(2)(a)” substitute “Article 27”.

(3) Omit paragraph (2).

(4) In paragraph (3), for the words from “references” in the first place it occurs to the end substitute “—

- (a) references to adoption or placement for adoption were references to placement of a child under Article 27 of the Children (Northern Ireland)

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Order 1995 with a person who is approved as an authority foster parent and who is approved as a prospective adopter;

(b) references to placing for adoption were references to placing a child under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and who is approved as a prospective adopter;

(c) references to an adoption agency were references to an authority.”.

(5) In paragraph (4), for “as referred to in paragraphs (1) and (2)” substitute “under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and approved as a prospective adopter”.

(6) In paragraph (5)—

(a) for the definitions of “approved foster parent” and “approved prospective adopter” substitute—

““approved as an authority foster parent” and approved as a prospective adopter” have the meanings given by Article 27(9D) of the Children (Northern Ireland) Order 1995;”;

(b) omit the definition of “child who is looked after by an authority”.

(7) Omit paragraph (6).

#### Commencement Information

**I2** Sch. 3 para. 47 not in operation at Royal Assent, see [s. 160\(1\)](#)

**48.**—(1) Article 107AB (ordinary adoption leave: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (a) for “an approved foster parent” substitute “approved as an authority foster parent”;

(b) in sub-paragraph (b) for “an approved prospective adopter” substitute “approved as a prospective adopter”;

(c) in sub-paragraph (c)—

(i) omit “who is looked after by it”;

(ii) for “Article 27(2)(a)” substitute “Article 27”;

(iii) omit “, in the circumstances mentioned in paragraph (2)”.

(3) Omit paragraph (2).

(4) In paragraph (3)—

(a) for the definitions of “approved foster parent” and “approved prospective adopter” substitute—

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““approved as an authority foster parent” and “approved as a prospective adopter” have the meanings given by Article 27(9D) of the Children (Northern Ireland) Order 1995;”;

(b) omit the definition of “child who is looked after by an authority”.

(5) Omit paragraph (4).

#### Commencement Information

**I3** Sch. 3 para. 48 not in operation at Royal Assent, see [s. 160\(1\)](#)

**49.—**(1) Article 107H (entitlement to shared parental leave: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In paragraph (1)—

(a) omit “who is looked after by an authority and”;

(b) for “the authority” substitute “an authority”;

(c) for “Article 27(2)(a)” substitute “Article 27”;

(d) omit “, in the circumstances mentioned in paragraph (2),”;

(e) for “an approved foster parent who is also an approved prospective adopter” substitute “a person who is approved as an authority foster parent and approved as a prospective adopter”.

(3) Omit paragraph (2).

(4) In paragraph (3), for “such references as may be specified” substitute “references to being placed under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and approved as a prospective adopter”.

(5) In paragraph (4)—

(a) for ““approved foster parent”, “approved prospective adopter”,” substitute ““approved as an authority foster parent”, “approved as a prospective adopter” and”;

(b) omit “and “child who is looked after by an authority””.

#### Commencement Information

**I4** Sch. 3 para. 49 not in operation at Royal Assent, see [s. 160\(1\)](#)

**50.—**(1) Article 112BA (entitlement to paternity leave: prospective adopters with whom looked after children are placed) is amended as follows.

(2) In paragraph (1)—

(a) omit “who is looked after by an authority and”;

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- (b) for “the authority” substitute “an authority”;
- (c) for “Article 27(2)(a)” substitute “Article 27”;
- (d) omit “, in the circumstances mentioned in paragraph (2),”;
- (e) for “an approved foster parent who is also an approved prospective adopter” substitute “a person who is approved as an authority foster parent and approved as a prospective adopter”.

(3) Omit paragraph (2).

(4) In paragraph (3), for “such references as may be specified” substitute “references to being placed under Article 27 of the Children (Northern Ireland) Order 1995 with a person who is approved as an authority foster parent and approved as a prospective adopter”.

(5) In paragraph (4)—

- (a) for ““approved foster parent”, “approved prospective adopter”,” substitute ““approved as an authority foster parent”, “approved as a prospective adopter” and”;
- (b) omit “and “child who is looked after by an authority””.

#### **Commencement Information**

**I5** Sch. 3 para. 50 not in operation at Royal Assent, see **s. 160(1)**

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**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by S.I. 2018/412, Sch. 3 (as substituted) by [2022 c. 18 \(N.I.\) Sch. 3 para. 83](#)