

SCHEDULE

Article 2

Consequential amendments

Family Credit (General) Regulations 1987

1. In paragraph (1) of regulation 2 of the Family Credit (General) Regulations 1987(1) (interpretation), for the definition of “surrogate child” after “section 30 of the Human Fertilisation and Embryology Act 1990” insert—

“(parental orders) or section 54 of the Human Fertilisation and Embryology Act 2008 (parental orders)”.

Social Security (Claims and Payments) Regulations 1987

2. For the entry in column (2) of paragraph 8 of Schedule 4 to the Social Security (Claims and Payments) Regulations 1987(2) (prescribed times for claiming benefit), for the words “section 30 of the Human Fertilisation and Embryology Act” substitute—

“section 30 of the Human Fertilisation and Embryology Act 1990 (parental orders) or section 54 of the Human Fertilisation and Embryology Act 2008 (parental orders)”.

Social Security (Claims and Payments) Regulations (Northern Ireland) 1987

3. For the entry in column (2) of paragraph 8 of Schedule 4 to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(3) (prescribed times for claiming benefit), for the words “section 30 of the Human Fertilisation and Embryology Act” substitute—

“section 30 of the Human Fertilisation and Embryology Act 1990 (parental orders) or section 54 of the Human Fertilisation and Embryology Act 2008 (parental orders)”.

High Court (Distribution of Business) Order 1991

4. For sub-paragraph (iv) of article 2(a) of the High Court (Distribution of Business) Order 1991(4) for “section 30 of the Human Fertilisation and Embryology Act 1990” substitute—

“section 54 of the Human Fertilisation and Embryology Act 2008 (parental orders);”.

Disability Working Allowance (General) Regulations 1991

5. In paragraph (1) of regulation 2 of the Disability Working Allowance (General) Regulations 1991(5) (interpretation), for the definition of “surrogate child” after “section 30 of the Human Fertilisation and Embryology Act 1990” insert—

“(parental orders) or section 54 of the Human Fertilisation and Embryology Act 2008 (parental orders)”.

Data Protection (Miscellaneous Subject Access Exemptions) Order 2000

6.—(1) The Schedule to the Data Protection (Miscellaneous Subject Access Exemptions) Order 2000(6) is amended as follows.

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- (1) S.I. 1987/1973, amended by S.I. 2001/892; there are other amending instruments but none is relevant.
(2) S.I. 1987/1968, amended by S.I. 1997/792; there are other amending instruments but none is relevant.
(3) S.R. (NI) 1987 No. 465, amended by S.R. (NI) 1997 No. 155; there are other amending instruments but none is relevant.
(4) S.I. 1991/1210, amended by S.I. 2009/1604.
(5) S.I. 1991/2887, amended by S.I. 2001/892; there are other amending instruments but none is relevant.
(6) S.I. 2000/419, amended by the Constitutional Reform Act 2005 (c.4), section 59(5) and Schedule 11, Part 1, paragraph 3(4).

(2) In Part II, for paragraph (c) substitute—

“(c) Parental Order records and reports

Sections 60, 77, 78 and 79 of the Adoption and Children Act 2002 as applied with modifications by regulation 2 of and Schedule 1 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010 in relation to parental orders made under section 30 of the Human Fertilisation and Embryology Act 1990 or section 54 of the Human Fertilisation and Embryology Act 2008.

Rules made under section 40 of the Matrimonial and Family Proceedings Act 1984 by virtue of section 141(1) of the Adoption and Children Act 2002, as applied with modifications by regulation 2 of and Schedule 1 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010, so far as the rules relate to the appointment and duties of the parental order reporter and the custody, inspection and disclosure of documents and information relating to parental order proceedings or related proceedings.

Rules made under section 144 of the Magistrates’ Courts Act 1980 by virtue of section 141(1) of the Adoption and Children Act 2002, as applied with modifications by regulation 2 of and Schedule 1 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010, so far as the rules relate to the appointment and duties of the parental order reporter and the keeping of registers, custody, inspection and disclosure of documents and information relating to parental order proceedings or related proceedings.”

(3) In Part III, for paragraph (d) substitute—

“(d) Parental Order records and reports

Sections 53 and 55 of the Adoption and Children (Scotland) Act 2007 as applied with modifications by regulation 4 of and Schedule 3 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010 in relation to parental orders made under section 30 of the Human Fertilisation and Embryology Act 1990 or section 54 of the Human Fertilisation and Embryology Act 2008.

Rules 2.47 and 2.59 of the Act of Sederunt (Child Care and Maintenance Rules) 1997 or rules with equivalent effect replacing those rules.

Rules 81.3 and 81.18 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 or rules with equivalent effect replacing those rules.”

(4) In Part IV, for paragraph (c) substitute—

“(c) Parental Order records and reports

Articles 50 and 54 of the Adoption (Northern Ireland) Order 1987 as applied with modifications by regulation 3 of and Schedule 2 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010 in respect of parental orders made under section 30 of the Human Fertilisation and Embryology Act 1990 or section 54 of the Human Fertilisation and Embryology Act 2008.

Rules 4, 5 and 16 of Order 84A of the Rules of the Court of Judicature (Northern Ireland) 1980 or rules with equivalent effect replacing those rules.

Rules 3, 4 and 15 of Order 50A of the County Court Rules (Northern Ireland) 1981 or rules with equivalent effect replacing those rules.”

Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002

7. In paragraph (1) of regulation 2 of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002⁽⁷⁾ (interpretation) for the definition of “surrogate child” after “section 30 of the Human Fertilisation and Embryology Act 1990” insert—

“(parental orders) or section 54 of the Human Fertilisation and Embryology Act 2008 (parental orders)”.

Gender Recognition Register Regulations 2005

8. In paragraph (2) of regulation 1 of the Gender Recognition Register Regulations 2005⁽⁸⁾ (citation, commencement and interpretation) for the definition of “Parental Order Register” substitute—

““Parental Order Register” means the register maintained by the Registrar General under section 77 of the Adoption and Children Act 2002 as modified by the Human Fertilisation and Embryology (Parental Orders) Regulations 2010.”

Social Fund Maternity and Funeral Expenses (General) Regulations 2005

9.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005⁽⁹⁾ are amended as follows.

(2) In paragraph (2) of regulation 4 (provision against double payment) after “section 30 of the Human Fertilisation and Embryology Act 1990 (parental orders)” insert—

“or section 54 of the Human Fertilisation and Embryology Act 2008 (parental orders)”.

(3) In regulation 5 (entitlement) for paragraph (1)(b)(iii) substitute—

“(iii) the claimant and the claimant’s partner have been granted an order in respect of a child pursuant to section 30 of the Human Fertilisation and Embryology Act 1990 (parental orders) or section 54 of the Human Fertilisation and Embryology Act 2008 (parental orders); and”.

Allocation and Transfer of Proceedings Order 2008

10.—(1) The Allocation and Transfer of Proceedings Order 2008⁽¹⁰⁾ is amended as follows.

(2) In paragraph (d) in the definition of “proceedings” in article 1(3) (citation, commencement, interpretation and application) for “section 30 of the Human Fertilisation and Embryology Act 1990” substitute—

“section 54 of the Human Fertilisation and Embryology Act 2008”.

(3) In paragraph (g) of article 5(1) (proceedings which must be started in a magistrates’ court) for “section 30 of the Human Fertilisation and Embryology Act 1990” substitute—

“section 54 of the Human Fertilisation and Embryology Act 2008”.

(7) S.I. 2002/2005, to which there are amendments not relevant to these Regulations.

(8) S.I. 2005/912, amended by S.I. 2009/1892.

(9) S.I. 2005/3061, to which there are amendments not relevant to these Regulations.

(10) S.I. 2008/2836, to which there are amendments not relevant to these Regulations.