

SCHEDULE 2

Amendments to subordinate legislation consequential on the coming into force of section 54A of the Human Fertilisation and Embryology Act 2008

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Application of Parts 12ZA, 12ZB and 12ZC to Parental Order Cases) Regulations (Northern Ireland) 2015

10.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (Application of Parts 12ZA, 12ZB and 12ZC to Parental Order Cases) Regulations (Northern Ireland) 2015(1) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) for the definition of “intended parent” substitute—

““intended parent”, in relation to a child, means a person who, on the day of the child’s birth—

(a) applies, or intends to apply during the period of 6 months beginning with that day—

(i) with another person for an order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the child; or

(ii) as the sole applicant for an order under section 54A of that Act in respect of the child; and

(b) expects the court to make such an order in respect of the child;”;

(b) omit the definition of “parental order” and the “and” at the end of that definition;

(c) omit the definition of “parental order parent”;

(d) in the appropriate place insert—

““section 54 parental order parent” means a person—

(a) on whose application the court has made an order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of a child; or

(b) who is an intended parent of a child by reference to an application or intended application for such an order;

“section 54A parental order parent” means a person—

(a) on whose application the court has made an order under section 54A of the Human Fertilisation and Embryology Act 2008 in respect of a child; or

(b) who is an intended parent of a child by reference to an application or intended application for such an order.”.

(3) In regulation 3 for “parental order parents” substitute “section 54 parental order parents”.

(4) In regulation 4 for “parental order parents” substitute “section 54 parental order parents and section 54A parental order parents”.

(5) In regulation 5 for “parental order parents” substitute “section 54 parental order parents”.

(6) Schedule 2 (application of Part 12ZB of the Act to parental order cases) is amended as follows.

(7) In the modifications of section 167ZL of the Social Security Contributions and Benefits (Northern Ireland) Act 1992—

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- (a) in sub-paragraph (i) of the substituted paragraph (a) of subsection (2), for “parental order” substitute “an order under section 54 or 54A of the Human Fertilisation and Embryology Act 2008”;
- (b) after the substituted paragraph (a) of subsection (2) insert—
 - “At the beginning of paragraph (e) of subsection (2) insert—
 - “in the case of a person on whose application the court has made an order under section 54 of the Human Fertilisation and Embryology Act 2008 or who is an intended parent of a child by reference to an application or intended application for such an order;”
- (c) in the substituted paragraph (b) of subsection (4), for “parental order” substitute “an order under section 54 of the Human Fertilisation and Embryology Act 2008”; and
- (d) for the inserted subsection (9) substitute—
 - “(9) In this section—
 - “intended parent”, in relation to a child, means a person who, on the day of the child’s birth—
 - (a) applies, or intends to apply during the period of 6 months beginning with that day—
 - (i) with another person for an order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the child; or
 - (ii) as the sole applicant for an order under section 54A of that Act in respect of the child; and
 - (b) expects the court to make such an order respect of the child.”.