

SCHEDULE 2

Article 3(2)

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

High Court (Distribution of Business) Order 1991

1. In article 2(a)(iv) of the High Court (Distribution of Business) Order 1991(1), after “section 54” insert “or section 54A”.

Social Fund Maternity and Funeral Expenses (General) Regulations 2005

2. In regulation 3(1) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005(2), in the definition of “parental order”, after “section 54” insert “or section 54A”.

Family Proceedings Fees Order 2008

3. In entry 1.8 in the table in Schedule 1 of the Family Proceedings Fees Order 2008(3), after “section 54” insert “or section 54A”.

Family Procedure Rules 2010

4.—(1) The Family Procedure Rules 2010(4) are amended as follows.

(2) In the heading to Part 13 (proceedings under section 54 of the Human Fertilisation and Embryology Act 2008), after “section 54” insert “or section 54A”.

(3) In the definition of “parental order” in rule 13.1(2) (interpretation and application), after “section 54” insert “or section 54A”.

(4) In rule 13.3(1) (who the parties are), after “parental order” insert “under section 54 of the 2008 Act”.

(5) After rule 13.3(1), insert—

“(1A) An application for a parental order under section 54A of the 2008 Act may only be made by one person who satisfies the conditions set out in subsection (1) of that section.”.

(6) In rule 16.35(2) (powers and duties of the parental order reporter), for paragraph (a) substitute—

“(a) investigate in the case of a parental order under—

(i) section 54(1) of the 2008 Act, the matters set out in section 54(1) to (8) of that Act;

(ii) section 54A(1) of the 2008 Act, the matters set out in section 54A(1) to (7) of that Act;”.

(7) In rule 27.11(1)(b)(i) (attendance at private hearings), after “section 54” insert “or section 54A”.

(1) [S.I. 1991/1210](#); article 2 was amended by paragraph 1(2) of Schedule 11 to the Constitutional Reform Act 2005 (c. 4) and [S.I. 2010/986](#).

(2) [S.I. 2005/3061](#); amended by [S.I. 2010/2760](#); there are other amendments to these Regulations which are not relevant to this Order.

(3) [S.I. 2008/1054](#); the table in Schedule 1 was substituted by [S.I. 2014/877](#).

(4) [S.I. 2010/2955](#); amended by [S.I. 2013/3204](#); [S.I. 2014/843](#); and [S.I. 2014/954](#); there are other amendments to these Rules which are not relevant to this Order.

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Family Court (Composition and Distribution of Business) Rules 2014

5.—(1) The Family Court (Composition and Distribution of Business) Rules 2014⁽⁵⁾ are amended as follows.

- (2) In Schedule 1 (allocation)—
 - (a) in paragraph 1(o), after “section 54” insert “or section 54A”;
 - (b) in paragraph 3(c), after “section 54” insert “or section 54A”;
 - (c) in paragraph 4(f), after “section 54” insert “or section 54A”.

Social Security Contributions and Benefits Act 1992 (Application of Parts 12ZA, 12ZB and 12ZC to Parental Order Cases) Regulations 2014

6.—(1) The Social Security Contributions and Benefits Act 1992 (Application of Parts 12ZA, 12ZB and 12ZC to Parental Order Cases) Regulations 2014⁽⁶⁾ 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 (application of Part 12ZA of the Act to parental order parents) for “parental order parents” substitute “section 54 parental order parents”.
- (4) In regulation 4 (application of Part 12ZB of the Act to parental order parents) for “parental order parents” substitute “section 54 parental order parents and section 54A parental order parents”.

⁽⁵⁾ S.I. 2014/840. Schedule 1 was amended, which are not relevant to this Order.

⁽⁶⁾ S.I. 2014/2866.

(5) In regulation 5 (application of Part 12ZC of the Act to parental order parents) 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 171ZL of the Social Security Contributions and Benefits Act 1992—

(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 (8A) substitute—

“(8A) 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 in respect of the child.”.

Statutory Paternity Pay and Statutory Adoption Pay (Parental Orders and Prospective Adopters) Regulations 2014

7.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (Parental Orders and Prospective Adopters) Regulations 2014(7) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the appropriate place, insert—

““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;”;

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

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- (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.”; and
- (b) omit the definition of “parental order parent”.
- (3) In regulation 6 (application of the Pay Regulations to intended parents and parental order parents) for paragraph (1) substitute—
- “(1) The provisions of the Pay Regulations, in so far as they apply to statutory paternity pay (adoption), shall apply to a section 54 parental order parent with the modifications set out in this Part of these Regulations.
- (1A) The provisions of the Pay Regulations, in so far as they apply to statutory adoption pay, shall apply to—
- (a) a section 54 parental order parent; and
 - (b) a section 54A parental order parent,
- with the modifications set out in this Part of these Regulations.”.
- (4) In regulation 7 (application of regulation 2 of the Pay Regulations)—
- (a) in paragraph (a)(ii)—
 - (i) in the appropriate place, insert—

““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;”;
 - (ii) in the definition of “Parent A”, for “the intended parent or parental order parent” substitute “the section 54 parental order parent”;
 - (iii) omit the definition of “parental order parent”; and
 - (iv) 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—

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- (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;” and
- (b) in paragraph (b), in the substituted paragraph (2), for—
 - (i) “An intended parent or parental order parent” substitute “A section 54 parental order parent”; and
 - (ii) “the other intended parent or parental order parent” substitute “the other section 54 parental order parent”.
- (5) In regulation 8 (application of regulation 3 of the Pay Regulations), for “as they apply an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”.
- (6) After regulation 8 insert—
 - “**8A.** Regulation 3 (application) of the Pay Regulations as they apply to a section 54A parental order parent shall read as if—
 - (a) paragraph (1) were omitted; and
 - (b) for paragraph (2) there were substituted—
 - “(2) Subject to the provisions of Part 12ZB of the Act (statutory adoption pay) and of these Regulations, there is entitlement to statutory adoption pay in respect of children whose expected week of birth begins on or after the day which follows the last day of the period of 120 days beginning with the day on which the Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 comes into force.””
- (7) In regulation 9 (application of regulation 11 of the Pay Regulations)—
 - (a) for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”; and
 - (b) in paragraph (a), in the inserted sub-paragraph (a), for “an intended parent or” substitute “a section 54”.
- (8) In regulation 10 (application of regulation 11A of the Pay Regulations) for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”.
- (9) In regulation 11 (application of regulation 12 of the Pay Regulations), for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”.
- (10) In regulation 12 (application of regulation 13 of the Pay Regulations), for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”.
- (11) In regulation 13 (application of regulation 14 of the Pay Regulations), for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”.
- (12) In regulation 14 (application of regulation 15 of the Pay Regulations), for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”.

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(13) In regulation 15 (application of regulation 16 of the Pay Regulations), for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”.

(14) In regulation 16 (application of regulation 20 of the Pay Regulations), for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”.

(15) In regulation 17 (application of regulation 21 of the Pay Regulations), for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent or a section 54A parental order parent”.

(16) In regulation 18 (application of regulation 22 of the Pay Regulations)—

(a) for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”;

(b) in paragraph (a), for paragraph (b) of the substituted paragraph (1) substitute—

“(b) the section 54 parental order parent who is entitled to statutory adoption pay does not apply for an order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the child within the time limit set by subsection (3) of that section;”;

(c) in paragraph (a), in paragraph (c) of the substituted paragraph (1), for “a parental order” substitute “an order under that section”;

(d) in paragraph (b)(ii), in the substituted sub-paragraph (b), for “a parental order” substitute “an order under that section”; and

(e) in paragraph (b)(iii), in the substituted sub-paragraph (c), for “a parental order” substitute “an order under that section”.

(17) After regulation 18, insert—

“**18A.** In regulation 22 (adoption pay period in cases where adoption is disrupted) of the Pay Regulations as they apply to a section 54A parental order parent—

(a) paragraph (1) shall apply as if that paragraph read—

“(1) The adoption pay period shall terminate in accordance with the provisions of paragraph (2) where—

(a) the child dies;

(b) the section 54A parental order parent does not apply for an order under section 54A of the Human Fertilisation and Embryology Act 2008 in respect of the child within the time limit set by subsection (2) of that section; or

(c) the section 54A parental order parent’s application for an order under that section in respect of the child is refused, withdrawn or otherwise terminated and any time limit for an appeal or a new application has expired.”; and

(b) in paragraph (3)—

(i) sub-paragraph (a) shall apply as if the reference to paragraph (1)(a)(i) were a reference to paragraph (1)(a);

(ii) sub-paragraph (b) shall apply as if that sub-paragraph read—

“(b) in a case falling within paragraph (1)(b) the week during which the time limit in section 54A(2) of the Human Fertilisation and Embryology Act 2008 for an application for an order under that section for the child expires;”;

(iii) sub-paragraph (c) shall apply as if that sub-paragraph read—

“(c) in a case falling within paragraph (1)(c) the week during which the section 54A parental order parent’s application for an order under that section is refused, withdrawn or otherwise terminated without the order being granted.””

(18) In regulation 19 (application of regulation 23 of the Pay Regulations), for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent or a section 54A parental order parent”.

(19) In regulation 20 (application of regulation 24 of the Pay Regulations)—

(a) for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”; and

(b) in paragraph (b)—

(i) in paragraph (a) of the substituted paragraph (2), for “parental order” substitute “an order under that section”; and

(ii) in paragraph (b) of the substituted paragraph (2), for “parental order” substitute “an order under that section”.

(20) After regulation 20, insert—

“**20A.** In regulation 24 (evidence of entitlement to statutory adoption pay) of the Pay Regulations as they apply to a section 54A parental order parent—

“**24.**—(1) A section 54A parental order parent shall provide evidence of his or her entitlement to statutory adoption pay by providing to the person who will be liable to pay it (“E”) a statutory declaration specified in paragraph (2) where E requests it in accordance with paragraph (3).

(2) The statutory declaration referred to in paragraph (1) is a statutory declaration stating that the person making the declaration—

(a) has applied, or intends to apply, under section 54A of the Human Fertilisation and Embryology Act 2008 for an order under that section in respect of the child within the time limit for making such an application; and

(b) expects the court to make an order under that section on that application in respect of the child.

(3) The declaration referred to in paragraph (1) shall be provided to E within 14 days of E requesting that declaration where E requests it within 14 days of receiving the notice under section 171ZL(6) of the Act.””.

(21) In regulation 21 (application of regulation 25 of the Pay Regulations), for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent or a section 54A parental order parent”.

(22) In regulation 22 (application of regulation 29 of the Pay Regulations), for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent or a section 54A parental order parent”.

(23) In regulation 23 (application of regulation 30 of the Pay Regulations), for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent or a section 54A parental order parent”.

(24) In regulation 24 (application of regulation 40 of the Pay Regulations) for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent or a section 54A parental order parent”.

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(25) In regulation 26 (modification of the Administration Regulations in Parental Order cases), for “as those sections apply to an intended parent or to a parental order parent” substitute “as those sections apply to a section 54 parental order parent or a section 54A parental order parent”.

Employment Rights Act 1996 (Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases) Regulations 2014

8.—(1) The Employment Rights Act 1996 (Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases) Regulations(8) are amended as follows.

(2) In regulation 1(2)—

(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 2 for “parental order parents” substitute “section 54 parental order parents and section 54A parental order parents”.

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

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

(6) In Schedule 1, in the second column in the entry for section 75G, in the insertion of subsection (6A), for “intended parent” to the end, 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; and
“parental order” means an order under section 54 or 54A of the Human Fertilisation and Embryology Act 2008.”.
- (7) In Schedule 2, in the second column in the entry for section 80B, in the insertion of subsection (7A), from “intended parent” to the end, 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; and
“parental order” means an order under section 54 or 54A of the Human Fertilisation and Embryology Act 2008.”.

Paternity, Adoption and Shared Parental Leave (Parental Order Cases) Regulations 2014

9.—(1) The Paternity, Adoption and Shared Parental Leave (Parental Order Cases) Regulations 2014(9) 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”;

(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

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- (b) who is an intended parent of a child by reference to an application or intended application for such an order.”.
- (3) For regulation 3 (application of the Leave Regulations to parental order parents), substitute—
 - “3.—(1) The provisions of the Leave Regulations, in so far as they apply to paternity leave (adoption) apply to section 54 parental order parents with the modifications set out in Part 2 of these Regulations.
 - (2) The provisions of the Leave Regulations, in so far as they apply to statutory adoption leave, apply to—
 - (a) section 54 parental order parents; and
 - (b) section 54A parental order parents,with the modifications set out in Part 2 of these Regulations.”.
 - (4) In regulation 4 (application of the Curtailment Regulations to Parental Order Parents), after the second occasion the words “apply to” appear, insert “section 54”.
 - (5) In regulation 5 (application of the SPL Regulations to Parental Order Parents), after the second occasion the words “apply to” appear, insert “section 54”.
 - (6) In regulation 6 (application of regulation 2 of the Leave Regulations)—
 - (a) for “parental order parents” substitute “section 54 parental order parents and section 54A parental order parents”;
 - (b) in paragraph (a)(iii)—
 - (i) 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;”;
 - (ii) in the definition of “Parent A” after “means the” insert “section 54”;
 - (iii) omit the definitions of “parental order” and “parental order parent”;
 - (iv) in the relevant 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;”;

- (v) for the definition of “parental statutory declaration”, substitute—
- ““parental statutory declaration” means a statutory declaration stating that the person making the declaration—
- (a) has applied, or intends to apply—
 - (i) under section 54 of the Human Fertilisation and Embryology Act 2008 with another person; or
 - (ii) under section 54A of that Act, alone,for a parental order under that section in respect of the child within the time limit for making such an application; and
 - (b) expects the court to make such an order in respect of the child;”;
- (c) in paragraph (c), before the words “parental order parent” on each occasion they appear, insert “section 54”.
- (7) In regulation 7 (application of regulation 3 of the Leave Regulations) after “apply to” insert “section 54”.
- (8) After regulation 7, insert—
- 7A.** Regulation 3 (application) of the Leave Regulations as they apply to section 54A parental order parents shall read as if—
- (a) paragraph (1) were omitted;
 - (b) the words of paragraph (2) were—

“The provisions in relation to adoption leave under regulation 15 have effect in relation to children whose expected week of birth begins on or after the last day of the period of 120 days beginning with the day on which the Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 comes into force.”;

and
 - (c) in paragraphs (3) and (6), the words “8th December 2002” were “on or after the day on which the Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 comes into force”.
- (9) In regulation 8 (application of regulation 4 of the Leave Regulations), after “apply to” insert “section 54”.
- (10) In regulation 9 (application of regulation 8 of the Leave Regulations)—
- (a) after “apply to” insert “section 54”; and
 - (b) in paragraph (d)(iii), in the substituted paragraph (d), for “is a parental order parent” substitute “is a section 54 parental order parent”.
- (11) In regulation 10 (application of regulation 9 of the Leave Regulations), after “apply to” insert “section 54”.
- (12) In regulation 11 (application of regulation 10 of the Leave Regulations)—
- (a) after “apply to” insert “section 54”; and
 - (b) in paragraph (3)(c) of the substituted regulation 10, before “parental order” insert “section 54”.
- (13) In regulation 12 (application of regulation 11 of the Leave Regulations), after “apply to” insert “section 54”.
- (14) In regulation 13 (application of regulation 15 of the Leave Regulations)—
- (a) after “apply to” insert “section 54”; and
 - (b) in paragraph (a), in the substituted paragraph (2)(a), before “parental order” insert “section 54”.

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(15) After regulation 13, insert—

“**13A.** In regulation 15 (entitlement to ordinary adoption leave) of the Leave Regulations, as they apply to section 54A parental order parents—

(a) paragraph (1)(a) shall read as if the word “conditions” were “condition”;

(b) paragraph (2) shall read as if the words of that paragraph were—

“The condition referred to in paragraph (1) is that the employee is a child’s section 54A parental order parent.”;

(c) paragraph (4) shall read as if the words of that paragraph were—

“An employee’s entitlement to leave under this regulation shall not be affected by the birth or expected birth of more than one child as a result of the same pregnancy.””

(16) In regulation 14 (application of regulations 16 and 17 of the Leave Regulations), for “parental order parents” substitute “section 54 parental order parents and section 54A parental order parents”.

(17) In regulation 15 (application of regulation 18 of the leave regulations), for “parental order parents” substitute “section 54 parental order parents and section 54A parental order parents”.

(18) In regulation 16 (application of regulation 20 of the Leave Regulations), after “apply to” insert “section 54”.

(19) After regulation 16, insert—

“**16A.** In regulation 20 (additional adoption leave: entitlement duration and commencement) of the Leave Regulations as they apply to section 54A parental order parents, paragraph (1)(a) shall read as if the words of that sub-paragraph were “the employee is a section 54A parental order parent in respect of that child.””.

(20) In regulation 17 (application of regulation 22 of the Leave Regulations)—

(a) after “apply to” insert “section 54”;

(b) in paragraph (a) in the substituted paragraph (1) for sub-paragraphs (a) to (c) substitute—

“(a) the employee does not apply for an order under section 54 of the Human Fertilisation and Embryology Act 2008 within the time limit set by subsection (3) of that section;

(b) the employee’s application for an order under that section for the child is refused, withdrawn or otherwise terminated without the order being granted and any time for an appeal or a new application has expired; or

(c) the child dies.”;

(c) in paragraph (b)(i) for “a parental order” substitute “an order under that section”; and

(d) in paragraph (b)(ii) for “a parental order” substitute “an order under that section”.

(21) After regulation 17, insert—

“**17A.** In regulation 22 (disrupted placement in the course of adoption leave) of the Leave Regulations as they apply to section 54A parental order parents—

(a) paragraph (1) shall read as if the words of that paragraph were—

“This regulation applies where—

(a) the employee does not apply for an order under section 54A of the Human Fertilisation and Embryology Act 1998 within the time limit set by subsection (2) of that section;

(b) the employee’s application for an order under that section for the child is refused, withdrawn or otherwise terminated without the order being

granted and any time limit for an appeal or new application has expired;
or

(c) the child dies.”;

(b) paragraph (3) shall read as if—

(i) in paragraph (a), the words from “the person with whom” to the end were “the time limit in section 54A(2) of the Human Fertilisation and Embryology Act 2008 for an application for an order under that section for the child expires.”;

(ii) in paragraph (b), the words “paragraph (1)(b)(i)” to the end were “paragraph (1)(b), the week in which the employee’s application for an order under that section is refused, withdrawn or otherwise terminated without the order being granted.”;

(iii) in paragraph (c), the words “paragraph (1)(b)(ii)” to the end were “paragraph (1)(c), the week during which the child dies”; and

(c) paragraph (3A) shall be treated as omitted.”.

(22) In regulation 18 (application of regulation 2 of the Curtailment Regulations) after “apply to” insert “section 54”.

(23) In regulation 19 (application of regulation 3 of the Curtailment Regulations) after “apply to” insert “section 54”.

(24) In regulation 20 (application of regulation 2 of the SPL Regulations) after “apply to” insert “section 54”.

(25) In regulation 21 (application of regulation 3 of the SPL Regulations)—

(a) after “apply to” insert “section 54”; and

(b) in paragraph (c) in the appropriate place, insert—

““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, with another person for a parental order in respect of the child; and

(b) expects the court to make a parental order on that application in respect of the child.”;

““parental order” means an order under section 54(1) of the Human Fertilisation and Embryology Act 2008.”.

(26) In regulation 22 (application of regulation 20 of the SPL Regulations), after “apply to” insert “section 54”.

(27) In regulation 23 (application of regulation 21 of the SPL Regulations), after “apply to” insert “section 54”.

(28) In regulation 24 (application of regulation 23 of the SPL Regulations), after “apply to” insert “section 54”.

(29) In regulation 25 (application of regulation 24 of the SPL Regulations), after “apply to” insert “section 54”.

(30) In regulation 26 (application of regulation 25 of the SPL Regulations) after “apply to” insert “section 54”.

(31) In regulation 27 (application of regulation 26 of the SPL Regulations), for the first occasion the words “parental order” appear, substitute “section 54 parental order”.

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(32) In regulation 28 (application of regulation 28 of the SPL Regulations), after “apply to” insert “section 54”.

(33) In regulation 29 (application of regulation 32 of the SPL Regulations), after “apply to” insert “section 54”.

(34) In regulation 30 (application of regulation 34 of the SPL Regulations), after “apply to” insert “section 54”.

(35) In regulation 31 (application of regulation 35 of the SPL Regulations), after “apply to” insert “section 54”.

(36) In regulation 32 (application of regulation 36 of the SPL Regulations), after “apply to” insert “section 54”.

(37) In regulation 33 (application of the Schedule to the SPL Regulations), after “apply to” insert “section 54”.

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(10) 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—

(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.”.

Statutory Paternity Pay and Statutory Adoption Pay (Parental Orders and Prospective Adopters) Regulations (Northern Ireland) 2015

11.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (Parental Orders and Prospective Adopters) Regulations (Northern Ireland) 2015(**11**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the appropriate place, insert—

““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

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

““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.”; and

(b) omit the definition of “parental order parent”.

(3) In regulation 6 (application of the Pay Regulations to intended parents and parental order parents) for paragraph (1) substitute—

“(1) The provisions of the Pay Regulations, in so far as they apply to statutory paternity pay (adoption), shall apply to a section 54 parental order parent with the modifications set out in this Part of these Regulations.

(1A) The provisions of the Pay Regulations, in so far as they apply to statutory adoption pay, shall apply to—

(a) a section 54 parental order parent; and

(b) a section 54A parental order parent,

with the modifications set out in this Part of these Regulations.”.

(4) In regulation 7 (application of regulation 2 of the Pay Regulations)—

(a) in paragraph (a)(ii)—

(i) in the appropriate place, insert—

““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;”;

(ii) in the definition of “Parent A”, for “the intended parent or parental order parent” substitute “the section 54 parental order parent”;

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

(iv) 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;

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“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;”;

(b) in paragraph (b), in the substituted paragraph (2) for—

- (i) “An intended parent or parental order parent” substitute “A section 54 parental order parent”; and
- (ii) “the other intended parent or parental order parent” substitute “the other section 54 parental order parent”.

(5) In regulation 8 (application of regulation 3 of the Pay Regulations), for “as they apply an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”.

(6) After regulation 8 insert—

“**8A.** Regulation 3 (application) of the Pay Regulations as they apply to a section 54A parental order parent shall read as if—

- (a) paragraph (1) were omitted; and
- (b) for paragraph (2) there were substituted—

“(2) Subject to the provisions of Part 12ZB of the Act (statutory adoption pay) and of these Regulations, there is entitlement to statutory adoption pay in respect of children whose expected week of birth begins on or after the day which follows the last day of the period of 120 days beginning with the day on which the Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 comes into force.””

(7) In regulation 9 (application of regulation 11 of the Pay Regulations)—

- (a) for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”; and
- (b) in paragraph (a), in the inserted sub-paragraph (a), for “an intended parent or” substitute “a section 54”.

(8) In regulation 10 (application of regulation 11A of the Pay Regulations) for “as they apply to an intended parent or a parental order parent” substitute “as they apply to a section 54 parental order parent”.

(9) In regulation 11 (application of regulation 12 of the Pay Regulations), for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent”.

(10) In regulation 12 (application of regulation 13 of the Pay Regulations), for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent”.

(11) In regulation 13 (application of regulation 14 of the Pay Regulations), for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent”.

(12) In regulation 14 (application of regulation 15 of the Pay Regulations), for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent”.

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(13) In regulation 15 (application of regulation 16 of the Pay Regulations), for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent”.

(14) In regulation 16 (application of regulation 20 of the Pay Regulations), for “as they apply to an intended parent or parental order parent” substitute as they apply to a section 54 parental order parent”.

(15) In regulation 17 (application of regulation 21 of the Pay Regulations), for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent or a section 54A parental order parent”.

(16) In regulation 18 (application of regulation 22 of the Pay Regulations)—

(a) for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent”;

(b) in paragraph (a), for paragraph (b) of the substituted paragraph (1) substitute—

“(b) the section 54 parental order parent who is entitled to statutory adoption pay does not apply for an order under section 54 of the Human Fertilisation and Embryology Act 2008 in respect of the child within the time limit set by subsection (3) of that section;”;

(c) in paragraph (a), in paragraph (c) of the substituted paragraph (1), for “a parental order” substitute “an order under that section”;

(d) in paragraph (b)(ii), in the substituted sub-paragraph (b), for “a parental order” substitute “an order under that section”; and

(e) in paragraph (b)(iii), in the substituted sub-paragraph (c), for “a parental order” substitute “an order under that section”.

(17) After regulation 18, insert—

“**18A.** In regulation 22 (adoption pay period in cases where adoption is disrupted) of the Pay Regulations as they apply to a section 54A parental order parent—

(a) paragraph (1) shall apply as if that paragraph read—

“(1) The adoption pay period shall terminate in accordance with the provisions of paragraph (2) where—

(a) the child dies;

(b) the section 54A parental order parent does not apply for an order under section 54A of the Human Fertilisation and Embryology Act 2008 in respect of the child within the time limit set by subsection (2) of that section; or

(c) the section 54A parental order parent’s application for an order under that section in respect of the child is refused, withdrawn or otherwise terminated and any time limit for an appeal or a new application has expired.”; and

(b) in paragraph (3)—

(i) sub-paragraph (a) shall apply as if the reference to paragraph (1)(a)(i) were a reference to paragraph (1)(a);

(ii) sub-paragraph (b) shall apply as if that sub-paragraph read—

“(b) in a case falling within paragraph (1)(b) the week during which the time limit in section 54A(2) of the Human Fertilisation and Embryology Act 2008 for an application for an order under that section for the child expires;”;

(iii) sub-paragraph (c) shall apply as if that sub-paragraph read—

“(c) in a case falling within paragraph (1)(c) the week during which the section 54A parental order parent’s application for an order under that section is refused, withdrawn or otherwise terminated without the order being granted.”.

(18) In regulation 19 (application of regulation 23 of the Pay Regulations), for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent or a section 54A parental order parent”.

(19) In regulation 20 (application of regulation 24 of the Pay Regulations)—

(a) for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent”; and

(b) in paragraph (b)—

(i) in paragraph (a) of the substituted paragraph (2), for “parental order” substitute “an order under that section”; and

(ii) in paragraph (b) of the substituted paragraph (2), for “parental order” substitute “an order under that section”.

(20) After regulation 20, insert—

“**20A.** For regulation 24 (evidence of entitlement to statutory adoption pay) of the Pay Regulations as they apply to a section 54A parental order parent substitute—

“**24.**—(1) A section 54A parental order parent shall provide evidence of his or her entitlement to statutory adoption pay by providing to the person who will be liable to pay it (“E”) a statutory declaration specified in paragraph (2) where E requests it in accordance with paragraph (3).

(2) The statutory declaration referred to in paragraph (1) is a statutory declaration stating that the person making the declaration—

(a) has applied, or intends to apply, under section 54A of the Human Fertilisation and Embryology Act 2008 for an order under that section in respect of the child within the time limit for making such an application; and

(b) expects the court to make an order under that section on that application in respect of the child.

(3) The declaration referred to in paragraph (1) shall be provided to E within 14 days of E requesting that declaration where E requests it within 14 days of receiving the notice under section 171ZL(6) of the Act.”.

(21) In regulation 21 (application of regulation 25 of the Pay Regulations), for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent or a section 54A parental order parent”.

(22) In regulation 22 (application of regulation 29 of the Pay Regulations), for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent or a section 54A parental order parent”.

(23) In regulation 23 (application of regulation 30 of the Pay Regulations), for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent or a section 54A parental order parent”.

(24) In regulation 24 (application of regulation 40 of the Pay Regulations) for “as they apply to an intended parent or parental order parent” substitute “as they apply to a section 54 parental order parent or a section 54A parental order parent”.

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(25) In regulation 26 (modification of the Administration Regulations in Parental Order cases), for “as those sections apply to an intended parent or to a parental order parent” substitute “as those sections apply to a section 54 parental order parent or a section 54A parental order parent”.

Employment Rights (Northern Ireland) Order 1996 (Application of Articles 107A, 107B, 107G, 107I, 112A and 112B to Parental Order Cases) Regulations (Northern Ireland) 2015

12.—(1) The Employment Rights (Northern Ireland) Order 1996 (Application of Articles 107A, 107B, 107G, 107I, 112A and 112B to Parental Order Cases) Regulations (Northern Ireland) 2015 **(12)** are amended as follows.

(2) In regulation 1(2)—

(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”; and

(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 2 for “parental order parents” substitute “section 54 parental order parents and section 54A parental order parents”.

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

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

(6) In Schedule 1, in the second column in the entry for section 1075G, in the insertion of Article (7), for “intended parent” to the end, 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; and
“parental order” means an order under section 54 or 54A of the Human Fertilisation and Embryology Act 2008.”.
- (7) In Schedule 2, in the second column in the entry for section 112B, in the insertion of subsection (7A), from “intended parent” to the end, 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; and
“parental order” means an order under section 54 or 54A of the Human Fertilisation and Embryology Act 2008.”.

Paternity, Adoption and Shared Parental Leave (Parental Order Cases) Regulations (Northern Ireland) 2015

13.—(1) The Paternity, Adoption and Shared Parental Leave (Parental Order Cases) Regulations (Northern Ireland) 2015(**13**) 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”;

(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;

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“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) For regulation 3 (application of the Leave Regulations to parental order parents), substitute—

“3.—(1) The provisions of the Leave Regulations, in so far as they apply to paternity leave (adoption) apply to section 54 parental order parents with the modifications set out in Part 2 of these Regulations.

(2) The provisions of the Leave Regulations, in so far as they apply to statutory adoption leave, apply to—

- (a) section 54 parental order parents; and
- (b) section 54A parental order parents,

with the modifications set out in Part 2 of these Regulations.”.

(4) In regulation 4 (application of the Curtailment Regulations to Parental Order Parents), after the second occasion the words “apply to” appear, insert “section 54”.

(5) In regulation 5 (application of the SPL Regulations to Parental Order Parents), after the second occasion the words “apply to” appear, insert “section 54”.

(6) In regulation 6 (application of regulation 2 of the Leave Regulations)—

(a) for “parental order parents” substitute “section 54 parental order parents and section 54A parental order parents”;

(b) in paragraph (a)(iii)—

(i) 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;”;

(ii) in the definition of “Parent A” after “means the” insert “section 54”;

(iii) omit the definitions of “parental order” and “parental order parent”;

(iv) in the relevant 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—

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- (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.”; and
 - (v) for the definition of “parental statutory declaration”, substitute—
 - ““parental statutory declaration” means a statutory declaration stating that the person making the declaration—
 - (a) has applied, or intends to apply—
 - (i) under section 54 of the Human Fertilisation and Embryology Act 2008 with another person; or
 - (ii) under section 54A of that Act, alone, for a parental order under that section in respect of the child within the time limit for making such an application; and
 - (b) expects the court to make an order under that section on that application in respect of the child;”; and
 - (c) in paragraph (c), before the words “parental order parent” on each occasion they appear, insert “section 54”.
- (7) In regulation 7 (application of regulation 3 of the Leave Regulations) after “apply to” insert “section 54”.
- (8) After regulation 7, insert—
- “7A. Regulation 3 (application) of the Leave Regulations as they apply to section 54A parental order parents shall read as if—
- (a) paragraph (1) were omitted;
 - (b) the words of paragraph (2) were—
 - “The provisions in relation to adoption leave under regulation 15 have effect in relation to children whose expected week of birth begins on or after the last day of the period of 120 days beginning with the day on which the Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 comes into force.”; and
 - (c) in paragraphs (3) and (6), the words “8th December 2002” were “on or after the day on which the Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018 comes into force”.
- (9) In regulation 8 (application of regulation 4 of the Leave Regulations), after “apply to” insert “section 54”.
- (10) In regulation 9 (application of regulation 8 of the Leave Regulations)—
- (a) after “apply to” insert “section 54”; and
 - (b) in paragraph (d)(iii), in the substituted paragraph (d), for “is a parental order parent” substitute “is a section 54 parental order parent”.
- (11) In regulation 10 (application of regulation 9 of the Leave Regulations), after “apply to” insert “section 54”.
- (12) In regulation 11 (application of regulation 10 of the Leave Regulations)—
- (a) after “apply to” insert “section 54”; and
 - (b) in paragraph (3)(c) of the substituted regulation 10, before “parental order” insert “section 54”.

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(13) In regulation 12 (application of regulation 11 of the Leave Regulations), after “apply to” insert “section 54”.

(14) In regulation 13 (application of regulation 15 of the Leave Regulations)—

(a) after “apply to” insert “section 54”; and

(b) in paragraph (a), in the substituted paragraph (2)(a), before “parental order” insert “section 54”.

(15) After regulation 13, insert—

“**13A.** In regulation 15 (entitlement to ordinary adoption leave) of the Leave Regulations, as they apply to section 54A parental order parents—

(a) paragraph (1)(a) shall read as if the word “conditions” were “condition”;

(b) paragraph (2) shall read as if the words of that paragraph were—

“The condition referred to in paragraph (1) is that the employee is a child’s section 54A parental order parent.”; and

(c) paragraph (4) shall read as if the words of that paragraph were—

“An employee’s entitlement to leave under this regulation shall not be affected by the birth or expected birth of more than one child as a result of the same pregnancy.””

(16) In regulation 14 (application of regulations 16 and 17 of the Leave Regulations), for “parental order parents” substitute “section 54 parental order parents and section 54A parental order parents”.

(17) In regulation 15 (application of regulation 18 of the leave regulations), for “parental order parents” substitute “section 54 parental order parents and section 54A parental order parents”.

(18) In regulation 16 (application of regulation 20 of the Leave Regulations), after “apply to” insert “section 54”.

(19) After regulation 16, insert—

“**16A.** In regulation 20 (additional adoption leave: entitlement duration and commencement) of the Leave Regulations as they apply to section 54A parental order parents, paragraph (1)(a) shall read as if the words of that sub-paragraph were “the employee is a section 54A parental order parent in respect of that child.””.

(20) In regulation 17 (application of regulation 22 of the Leave Regulations)—

(a) after “apply to” insert “section 54”;

(b) in paragraph (a) in the substituted paragraph (1) for sub-paragraphs (a) to (c) substitute—

“(a) the employee does not apply for an order under section 54 of the Human Fertilisation and Embryology Act 2008 within the time limit set by subsection (3) of that section; and

(b) the employee’s application for an order under that section for the child is refused, withdrawn or otherwise terminated without the order being granted and any time for an appeal or a new application has expired; or

(c) the child dies.”;

(c) in paragraph (b)(i) for “a parental order” substitute “an order under that section”; and

(d) in paragraph (b)(ii) for “a parental order” substitute “an order under that section”.

(21) After regulation 17, insert—

“**17A.** In regulation 22 (disrupted placement in the course of adoption leave) of the Leave Regulations as they apply to section 54A parental order parents—

(a) paragraph (1) shall read as if the words of that paragraph were—

“This regulation applies where—

- (a) the employee does not apply for an order under section 54A of the Human Fertilisation and Embryology Act 1998 within the time limit set by subsection (2) of that section,
 - (b) the employee’s application for an order under that section for the child is refused, withdrawn or otherwise terminated without the order being granted and any time limit for an appeal or new application has expired; or
 - (c) the child dies.”;
- (b) paragraph (3) shall read as if—
- (i) in paragraph (a), the words from “the person with whom” to the end were “the time limit in section 54A(2) of the Human Fertilisation and Embryology Act 2008 for an application for an order under that section for the child expires;”;
 - (ii) in paragraph (b), the words “paragraph (1)(b)(i)” to the end were “paragraph (1)(b), the week in which the employee’s application for an order under that section is refused, withdrawn or otherwise terminated without the order being granted;”;
 - (iii) in paragraph (c), the words “paragraph (1)(b)(ii)” to the end were “paragraph (1)(c), the week during which the child dies;” and
- (c) paragraph (3A) shall be treated as omitted.”.

(22) In regulation 18 (application of regulation 2 of the Curtailment Regulations) after “apply to” insert “section 54”.

(23) In regulation 19 (application of regulation 3 of the Curtailment Regulations) after “apply to” insert “section 54”.

(24) In regulation 20 (application of regulation 2 of the SPL Regulations) after “apply to” insert “section 54”.

(25) In regulation 21 (application of regulation 3 of the SPL Regulations)—

(a) after “apply to” insert “section 54”; and

(b) in paragraph (c) in the appropriate place, insert—

““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, with another person for a parental order in respect of the child; and
- (b) expects the court to make a parental order on that application in respect of the child;”;

““parental order” means an order under section 54(1) of the Human Fertilisation and Embryology Act 2008;”.

(26) In regulation 22 (application of regulation 20 of the SPL Regulations), after “apply to” insert “section 54”.

(27) In regulation 23 (application of regulation 21 of the SPL Regulations), after “apply to” insert “section 54”.

(28) In regulation 24 (application of regulation 23 of the SPL Regulations), after “apply to” insert “section 54”.

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(29) In regulation 25 (application of regulation 24 of the SPL Regulations), after “apply to” insert “section 54”.

(30) In regulation 26 (application of regulation 25 of the SPL Regulations) after “apply to” insert “section 54”.

(31) In regulation 27 (application of regulation 26 of the SPL Regulations), for the first occasion that the words “parental order” appear, substitute “section 54 parental order”.

(32) In regulation 28 (application of regulation 28 of the SPL Regulations), after “apply to” insert “section 54”.

(33) In regulation 29 (application of regulation 32 of the SPL Regulations), after “apply to” insert “section 54”.

(34) In regulation 30 (application of regulation 34 of the SPL Regulations), after “apply to” insert “section 54”.

(35) In regulation 31 (application of regulation 35 of the SPL Regulations), after “apply to” insert “section 54”.

(36) In regulation 32 (application of regulation 36 of the SPL Regulations), after “apply to” insert “section 54”.

(37) In regulation 33 (application of the Schedule to the SPL Regulations), after “apply to” insert “section 54”.

Human Fertilisation and Embryology (Mitochondrial Donation) Regulations 2015

14.—(1) The Human Fertilisation and Embryology (Mitochondrial Donation) Regulations 2015(**14**) are amended as follows.

(2) In regulation 10 (modification of certain enactments for cases where mitochondrial donation has occurred) for “18” substitute “18A”.

(3) After regulation 18 insert—

“Modification of section 54A of the Human Fertilisation and Embryology Act 2008

18A. In a case where this regulation has effect, section 54A of the Human Fertilisation and Embryology Act 2008 applies as if after subsection (1) there were inserted—

“(1A) For the purposes of this section, neither of the following is to be treated as a person whose gametes were used to create an embryo (“embryo E”)—

(a) where embryo E is a permitted embryo by virtue of regulations under section 3ZA(5) of the 1990 Act, the person whose mitochondrial DNA (not nuclear DNA) was used to bring about the creation of embryo E;

(b) where embryo E has been created by the fertilisation of an egg which was a permitted egg by virtue of regulations under section 3ZA(5) of the 1990 Act, the person whose mitochondrial DNA (not nuclear DNA) was used to bring about the creation of that permitted egg.””

Judicial Pensions (Fee-paid Judges) Regulations 2017

15.—(1) The Judicial Pensions (Fee-paid Judges) Regulations 2017(**15**) are amended as follows.

(2) For paragraph (9) of regulation 40 (meaning of “eligible child”) substitute—

(14) [S.I. 2015/572](#).

(15) [S.I. 2017/522](#).

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“(9) In this regulation, “parental order” means an order made under section 54 or 54A of the 2008 Act.”.