

2003 No. 220

EMPLOYMENT

**Employment Rights (Northern Ireland) Order 1996
(Application of Article 112B to Adoptions from Overseas)
Regulations (Northern Ireland) 2003**

Made - - - - - *7th April 2003*

Coming into operation *8th April 2003*

The Department for Employment and Learning^(a), in exercise of the powers conferred on it by Article 112B(8) of the Employment Rights (Northern Ireland) Order 1996^(b), and now vested in it^(c) and of every other power enabling it in that behalf, hereby makes the following Regulations –

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Employment Rights (Northern Ireland) Order 1996 (Application of Article 112B to Adoptions from Overseas) Regulations (Northern Ireland) 2003 and shall come into operation on 8th April 2003.

(2) In these Regulations –

“adoption from overseas” means the adoption of a child who enters Northern Ireland from outside the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom.”;

“the Order” means the Employment Rights (Northern Ireland) Order 1996.

Application of Article 112B of the Employment Rights (Northern Ireland) Order 1996 to adoptions from overseas

2. Article 112B of the Order shall have effect in relation to adoptions from overseas with the modifications of the provisions specified in the first column of the Schedule that are set out opposite those provisions in the second column of that Schedule.

Sealed with the Official Seal of the Department for Employment and Learning on 7th April 2003.

(L.S.)

R. B. Gamble

A senior officer of the Department for Employment and Learning

(a) Formerly the Department of Higher and Further Education, Training and Employment; *see* 2001 c. 15 (N.I.)
(b) S.I. 1996/1919 (N.I. 16); Article 112B was inserted by Article 4 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))
(c) *See* S.R. 1999 No. 481 Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999

SCHEDULE

Regulation 2

<i>Provision</i>	<i>Modification</i>
Article 112B(1)	In sub-paragraph (b), for “placed, or expected to be placed, for adoption under the law of any part of the United Kingdom” substitute “who is the subject of adoption from overseas”.
	In sub-paragraph (c), for “a person with whom the child is, or is expected to be, so placed for adoption” substitute “an adopter of the child”.
	At the end, for “person by reference to whom he satisfies the condition under sub-paragraph (c)” substitute “the child’s adopter”.
Article 112B(4)	For “child’s placement of adoption” substitute “child’s entry into Northern Ireland”.
Article 112B(5)	In sub-paragraph (a), for “a person with whom a child is placed for adoption” substitute “a child’s adopter”.
	In sub-paragraph (b), for “exercises a right to be absent from work on adoption leave” substitute “is a child’s adopter”.
	In sub-paragraph (c), for “is placed for adoption” substitute “is the subject of adoption from overseas”.
Article 112B(6)	For paragraph (6), substitute – “(6) Where more than one child is the subject of adoption from overseas as part of the same arrangement, and the date of entry of each child is different, the reference in paragraph (4) to the date of the child’s entry into Northern Ireland shall be interpreted as a reference to the date of the entry of the first child to enter Northern Ireland.”.
Article 112B(7)	For paragraph (7), substitute – “(7) In this Article – “adopter”, in relation to a child, means a person by whom the child has been or is to be adopted or, in a case where the child has been or is to be adopted by two people jointly, whichever of them is the child’s adopter for the purposes of regulations under this Article; “adoption from overseas” means the adoption of a child who enters Northern Ireland from outside the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom; “week” means any period of seven days.”.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Article 112B of the Employment Rights (Northern Ireland) Order 1996 contains the powers under which the Department may make regulations entitling an employee to paternity leave. These Regulations, made under Article 112B(8) of that Order, provide for Article 112B to have effect, with modifications, in relation to an adoption from overseas. This means the adoption of a child who enters Northern Ireland from outside the United Kingdom in connection with or for the purposes of an adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom.

Where Article 112B refers to the placement of a child, it is modified by these Regulations to refer to the entry of the child into Northern Ireland. Where Article 112B refers to the person with whom a child is placed, it is modified to refer to the child's adopter.

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