
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 296

The Additional Paternity Leave (Adoptions from Overseas) Regulations (Northern Ireland) 2010

Interpretation

2.—(1) In these Regulations—

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

“additional paternity leave” means leave under regulation 4;

“adopter” means, in relation to a child adopted from overseas, 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 has elected to take adoption leave in respect of the child;

“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, and “adopted from overseas” shall be construed accordingly;

“adoption leave” means ordinary adoption leave under Article 107A of the 1996 Order or additional adoption leave under section 107B of that Order⁽¹⁾;

“child” means a person who is, or at the time of entering Northern Ireland was, under the age of eighteen;

“enter Northern Ireland” means enter Northern Ireland from outside the United Kingdom in connection with or for the purposes of adoption, and cognate expressions shall be construed accordingly;

“job”, in relation to an employee returning after additional paternity leave, means the nature of the work which the employee is employed to do in accordance with the employee’s contract of employment and the capacity and place in which the employee is so employed;

“maternity allowance” has the meaning given in section 35(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽²⁾;

“maternity leave” means ordinary maternity leave under Article 103 of the 1996 Order or additional maternity leave under Article 105 of that Order⁽³⁾;

“official notification” means written notification, issued by or on behalf of the relevant central authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent;

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- (1) Articles 107A and 107B were inserted by Article 3 of the Employment (Northern Ireland) Order 2002 and were amended by paragraphs 32 and 33 respectively of Schedule 1 to the Work and Families (Northern Ireland) Order 2006.
- (2) 1992 c. 7. Subsection 1 was substituted by Article 50(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and was further amended by paragraph 2(a) of Schedule 1 to the Social Security Act (Northern Ireland) 2002 c. 10 (N.I.).
- (3) Articles 103 and 105 were substituted by Schedule 4, Part 1 of the Employment Relations (Northern Ireland) Order 1999 and amended by Article 14 of the Employment (Northern Ireland) Order 2002 and by paragraphs 30 and 31 respectively of Schedule 1 to the Work and Families (Northern Ireland) Order 2006.

“parental leave” means leave under regulation 13(1) of the Maternity and Parental Leave etc Regulations (Northern Ireland) 1999⁽⁴⁾;

“partner” in relation to a child’s adopter, means a person (whether of a different sex or the same sex) who lives with the adopter and the child in an enduring family relationship but is not a relative of the mother or adopter of a kind specified in paragraph (2);

“processing”, in relation to information, has the meaning given in section 1(1) of the Data Protection Act 1998⁽⁵⁾;

“relevant central authority” means—

- (a) in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003⁽⁶⁾ apply, the Department of Health, Social Services and Public Safety;
- (b) in any other case, the Secretary of State;

“statutory adoption pay” has the meaning given in section 167ZL of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽⁷⁾;

“statutory maternity pay” has the meaning given in section 160(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; and

“statutory leave” means leave provided for in Part 9 of the 1996 Order.

(2) The relatives of a child’s adopter referred to in the definition of “partner” in paragraph (1) are the adopter’s parent, grandparent, sister, brother, aunt or uncle.

(3) References to relationships in paragraph (2)—

- (a) are to relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for the adoption, and
- (b) include the relationship of a child with the child’s adoptive, or former adoptive parents,

but do not include any other adoptive relationships.

(4) A reference in any provision of these Regulations to a period of continuous employment is to a period computed in accordance with Chapter 3 of Part 1 of the 1996 Order, as if that provision were a part of that Order.

(4) S.R. 1999 No. 471; regulation 13(1) was amended by S.R. 2002 No. 135.

(5) 1998 c. 29.

(6) S.R. 2003 No. 16.

(7) Section 167ZL was inserted by Article 6 of the Employment (Northern Ireland) Order 2002.