
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 237

**The Parental Bereavement Leave (No. 2)
Regulations (Northern Ireland) 2022**

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Parental Bereavement Leave (No. 2) Regulations (Northern Ireland) 2022 and shall come into operation on 3rd October 2022.

Application

2. These Regulations apply in respect of children who die on or after 6th April 2022.

Interpretation

3.—(1) In these Regulations—

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

“adopter” means a person who intends to adopt C and to whom the Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003(1) apply;

“approved foster parent” means a person approved as a foster parent by the authority under regulation 3 of the Foster Placement (Children) Regulations (Northern Ireland) 1996(2);

“approved prospective adopter” means a person considered by the authority by virtue of the Adoption Agencies Regulations (Northern Ireland) 1989(3) to be a person suitable to adopt a child;

“authority” has the same meaning as in the Children (Northern Ireland) Order 1995(4);

“C” means the child in relation to whom an entitlement to parental bereavement leave arises;

“intended parent” means a person who—

(a) has applied, or intended to apply during the period of 6 months beginning with the day of C’s birth—

(i) with another person for an order under section 54 (parental orders: two applicants) of the Human Fertilisation and Embryology Act 2008(5) in respect of C; or

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

(2) S.R. 1996/467.

(3) S.R. 1989/253.

(4) S.I. 1995/755 (N.I. 2).

(5) 2008 c. 22; section 54 was amended by the Crime and Courts Act 2013 (c. 22), section 31A and Schedule 11, Part 1, paragraph 206 and by S.I. 2018/1413.

(ii) as the sole applicant for an order under section 54A (parental orders: one applicant) of that Act⁽⁶⁾ in respect of C; and

(b) expected the court to make such an order on that application in respect of C;

“official notification” means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of C, 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;

“parental bereavement leave” means leave under regulation 4;

“placed for adoption” means—

(a) placed for adoption by virtue of regulation 12 of the Adoption Agencies Regulations (Northern Ireland) 1989⁽⁷⁾;

(b) placed by an authority with a person who is an approved foster parent who is also an approved prospective adopter where the authority—

(i) is considering adoption for C, or

(ii) is satisfied that adoption is in the best interests of C,

and is considering whether that person would be a suitable adoptive parent for C;

(c) placed for adoption under the Adoption and Children Act 2002⁽⁸⁾ or the Adoption and Children (Scotland) Act 2007⁽⁹⁾;

(d) placed in accordance with section 22C of the Children Act 1989⁽¹⁰⁾ (ways in which looked after children are to be accommodated and maintained) with a local authority foster parent who is also a prospective adopter, following consideration in accordance with subsection (9B)(c) of that section⁽¹¹⁾; or

(e) placed in accordance with section 81 of the Social Services and Well-being (Wales) Act 2014⁽¹²⁾ with a prospective adopter, following consideration in accordance with subsection (10) of that section;

“prospective adopter” means a person who has been approved as suitable to adopt a child and has been notified of that decision in accordance with regulation 30B(4) of the Adoption Agencies Regulations 2005⁽¹³⁾ or regulation 28(3) of the Adoption Agencies (Wales) Regulations 2005⁽¹⁴⁾;

“relevant domestic authority” means—

(a) in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003 apply, the Department of Health⁽¹⁵⁾; and

(b) in any other case, the Central Authority designated in accordance with Article 6 of the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993;

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

(6) Section 54A was inserted by S.I. 2018/1413.

(7) S.R. 1989 No. 253.

(8) 2002 c. 38.

(9) 2007 asp 4.

(10) 1989 c. 41.

(11) Section 22C was inserted by the Children and Young Persons Act 2008 (c. 23), section 8 and amended by the Children and Families Act 2014 (c. 6), section 2 and Schedule 2, part 1, paragraph 29. S.I. 2016/413 and S.I. 2018/195.

(12) 2014 anaw/dccc 4.

(13) S.I. 2005/389; regulation 30B was substituted by S.I. 2013/985.

(14) S.I. 2005 No. 1313(W.95).

(15) The Department of Health, Social Services and Public Safety was renamed the Department of Health under section 1 of the Departments Act (Northern Ireland) 2016 (c 5).

(2) The Interpretation Act (Northern Ireland) 1954⁽¹⁶⁾ applies to these Regulations as it applies to an Act of the Assembly (but see regulations 16 to 21); and the Interpretation Act 1978⁽¹⁷⁾ shall not apply.

⁽¹⁶⁾ 1954 c. 33 (N.I.).
⁽¹⁷⁾ 1978 c. 30.