
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Statutory Shared Parental Pay (General) Regulations 2014

PART 1

GENERAL

Definitions

2.—(1) In these Regulations—

“1992 Act” means the Social Security Contributions and Benefits Act 1992;

“A” means a person with whom C is, or is expected to be, placed for adoption under the law of any part of the United Kingdom;

“AP” means a person who at the date C is placed for adoption is married to, or is the civil partner of, or is the partner of A;

“C” means the child in relation to whom entitlement to statutory shared parental pay arises;

“M” means the mother (or expectant mother) of C;

“P” means the father of C or a person who at the date of C’s birth is married to, or is the civil partner of, or is the partner of M;

“actual week of birth”, in relation to a child, means the week beginning with midnight between Saturday and Sunday, in which the child was born;

“adoption agency” has the meaning given, in relation to England and Wales, by section 2 of the Adoption and Children Act 2002⁽¹⁾ and in relation to Scotland, by section 119(1) of the Adoption and Children (Scotland) Act 2007⁽²⁾;

“child”, in relation to A, means a person who is, or when placed with A for adoption was, under the age of 18;

“the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“expected week of birth”, in relation to a child, means the week, beginning with midnight between Saturday and Sunday, in which, as appropriate, it is expected that the child will be born, or was expected that the child would be born;

“partner”, in relation to M or A, means a person (whether of a different sex or the same sex) who lives with, as the case may be, M or A as well as C in an enduring family relationship but is not a relative of M or A of a kind specified in paragraph (2);

“placed for adoption” means—

- (a) placed for adoption under the Adoption and Children Act 2002 or the Adoption and Children (Scotland) Act 2007; or

(1) 2002 c.38.

(2) 2007 asp 4.

- (b) placed in accordance with section 22C of the Children Act 1989(3) with a local authority foster parent who is also a prospective adopter;
- “processing”, in relation to information, has the meaning given by section 1(1) of the Data Protection Act 1998(4);
- “shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996(5);
- “statutory shared parental pay” means statutory shared parental pay payable in accordance with Part 12ZC of the 1992 Act(6);
- “statutory shared parental pay (adoption)” means statutory shared parental pay payable where entitlement to that pay arises under regulation 17 or 18;
- “statutory shared parental pay (birth)” means statutory shared parental pay payable where entitlement to that pay arises under regulation 4 or 5;
- “week” in Parts 2, 3 and 5 means a period of seven days.
- (2) The relatives of M or A referred to in the definition of “partner” in paragraph (1) are M’s, or A’s parent, grandparent, sister, brother, aunt, uncle, child, grandchild, niece or nephew.
- (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 his adoptive, or former adoptive parents, but do not include any other adoptive relationship.
- (4) For the purpose of these Regulations—
- (a) a person is matched with a child for adoption when an adoption agency decides that that person would be a suitable adoptive parent for the child;
 - (b) in a case where paragraph (a) applies, a person is notified as having been matched with a child on the date that person receives notification of the agency’s decision, under regulation 33(3)(a) of the Adoption Agencies Regulations 2005(7), regulation 28(3) of the Adoption Agencies (Wales) Regulations 2005(8) or regulation 8(5) of the Adoption Agencies (Scotland) Regulations 2009(9);
 - (c) a person is also matched with a child for adoption when a decision has been made in accordance with regulation 22A of the Care Planning, Placement and Case Review (England) Regulations 2010(10) and an adoption agency has identified that person with whom the child is to be placed in accordance with regulation 12B of the Adoption Agencies Regulations 2005(11);
 - (d) in a case where paragraph (c) applies, a person is notified as having been matched with a child on the date on which that person receives notification in accordance with regulation 12B(2)(a) of the Adoption Agencies Regulations 2005.

(3) 1989 c.41; section 22C was inserted by section 8(1) of the Children and Young Persons Act 2008 (c.23).
(4) 1998 c.29.
(5) 1996 c.18; section 75E and 75G were inserted by the Children and Families Act 2014, section 117(1).
(6) Part 12ZC was inserted by section 119 of the Children and Families Act 2014.
(7) S.I. 2005/389.
(8) S.I. 2005/1313.
(9) S.S.I. 2009/154.
(10) S.I. 2010/959; amended by S.I. 2014/1556; there is another amending instrument but it is not relevant.
(11) S. I. 2005/389; amended by S.I. 2014/1556; there are other amending instruments but none is relevant.

(5) The reference to “local authority foster parent” in the definition of “placed for adoption” in paragraph (1) means a person approved as a local authority foster parent in accordance with regulations made by virtue of paragraph 12F of Schedule 2 to the Children Act 1989⁽¹²⁾.

(6) The reference to “prospective adopter” in the definition of “placed for adoption” in paragraph (1) 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⁾.

⁽¹²⁾ 1989 c.41; paragraph 12F was inserted by the Children and Young Persons Act 2008, Schedule 1, paragraph 4.

⁽¹³⁾ S.I. 2005/389; amended by S.I. 2014/1556; there are other amending instruments but none is relevant.