

## SCHEDULE

### STATUTORY SHARED PARENTAL PAY IN SPECIAL CIRCUMSTANCES

#### PART 2

##### STATUTORY SHARED PARENTAL PAY (ADOPTION)

###### Death of child or disrupted placement

**12.**—(1) In the case where A has given the notices and information specified in regulation 19(1) and then C dies or is returned after being placed then in respect of any period after C dies or is returned after being placed paragraph (2)(f) of regulation 17 (entitlement of adopter to statutory shared parental pay) shall not apply and regulation 21 shall apply in accordance with sub-paragraph (3).

(2) In the case where AP has given the notices and information specified in regulation 20(1) and then C dies or is returned after being placed then in respect of any period after C dies or is returned after being placed paragraph (2)(d) of regulation 18 (entitlement of adopter to statutory shared parental pay) shall not apply and regulation 21 shall apply in accordance with sub-paragraph (3).

(3) Where paragraph (1) or (2) applies, regulation 21 (variation) shall apply as if it read—

“(1) A or, as the case may be, AP may cancel the period or periods during which they intend to claim statutory shared parental pay (adoption) by notice in writing which is given at least 8 weeks before the first period to be cancelled or, if this is not reasonably practicable, as soon as reasonably practicable after the death of C or after C is returned after being placed, but in any event before that period to the employer who will be liable to pay statutory shared parental pay (adoption) to A or AP.

(2) A and AP may each only give one notice under paragraph (1).”.

(4) Where more than one child is placed for adoption as a result of the same placement—

- (a) sub-paragraphs (1) and (2) only apply where all the children die or, as the case may be, all the children are returned after being placed;
- (b) a reference in this paragraph to the death of C or to the return of C after being placed (however expressed) is to the death of the last of those children to die or is to the last of those children to be returned after being placed.

(5) In this paragraph “returned after being placed” means—

- (a) returned to the adoption agency under sections 31 to 35 of the Adoption and Children Act 2002(1);
- (b) in Scotland, returned to the adoption agency, adoption society or nominated person in accordance with section 25(6) of the Adoption and Children (Scotland) Act 2007(2); or
- (c) where the child is placed in accordance with section 22C of the Children Act 1989(3), returned to the adoption agency following termination of the placement.

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(1) 2002 c.38.

(2) 2007 asp. 4.

(3) 1989 c.41; section 22C was inserted by section 8(1) of the Children and Young Persons Act 2008 (c.23).