
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Statutory Parental Bereavement
Pay (General) Regulations 2020

PART 1

GENERAL

Interpretation

3.—(1) In these Regulations—

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

“adopter” means a person who intends to adopt C;

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

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

“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⁽¹⁾ in respect of C, or

(ii) as the sole applicant for an order under section 54A (parental orders: one applicant) of that Act⁽²⁾ 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;

“placed for adoption” means placed—

(a) for adoption under the Adoption and Children Act 2002⁽³⁾ or the Adoption and Children (Scotland) Act 2007⁽⁴⁾,

(b) in accordance with section 22C of the Children Act 1989⁽⁵⁾ (ways in which looked after children are to be accommodated and maintained) with a local authority foster parent who

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

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

(3) 2002 c. 38.

(4) 2007 asp 4.

(5) 1989 c. 41.

is also a prospective adopter, following consideration in accordance with subsection (9B) (c) of that section(6), or

- (c) in accordance with section 81 of the Social Services and Well-being (Wales) Act 2014(7) 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(8) or regulation 28(3) of the Adoption Agencies (Wales) Regulations 2005(9);

“relevant domestic authority” means—

- (a) in the case of an adopter to whom Part 3 of the Adoptions with a Foreign Element Regulations 2005(10) apply and who is habitually resident in Wales, the National Assembly for Wales,
- (b) in the case of an adopter to whom the Adoptions with a Foreign Element (Scotland) Regulations 2009(11) apply and who is habitually resident in Scotland, the Scottish Ministers, and
- (c) in any other case, the Secretary of State;

“statutory parental bereavement pay” means statutory parental bereavement pay payable in accordance with Part 12ZD of the 1992 Act;

“week”, except in Part 3, means a period of seven days(12);

“week of C’s death” means the week, beginning with a Sunday, in which C dies.

(2) In these Regulations—

- (a) references to a child include a child stillborn after twenty-four weeks of pregnancy, and
- (b) references to the death of a child are to be read, in relation to a stillborn child, as references to the birth of the child.

(6) 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 2018/195.

(7) 2014 anaw/dccc 4.

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

(9) S.I. 2005/1313.

(10) S.I. 2005/392, to which there are amendments not relevant to these Regulations.

(11) S.S.I. 2009/182, to which there are amendments not relevant to these Regulations.

(12) For the meaning of ‘week’ in Part 3, see section 171ZZ14(5) of the 1992 Act.