



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

[^{F1}PART 12ZA

^{F1}...[^{F1}STATUTORY PATERNITY PAY]

F1 ...

[^{F1}171ZB]Entitlement: adoption

- (1) Where a person satisfies the conditions in subsection (2) below, he shall be entitled in accordance with the following provisions of this Part to payments to be known as [^{F2}“statutory paternity pay”].
- (2) The conditions are—
 - (a) that he satisfies prescribed conditions—
 - (i) as to relationship with a child who is placed for adoption under the law of any part of the United Kingdom, and
 - (ii) as to relationship with a person with whom the child is so placed for adoption;
 - (b) that he has been in employed earner’s employment with an employer for a continuous period of at least 26 weeks ending with the relevant week;
 - (c) that his normal weekly earnings for the period of 8 weeks ending with the relevant week are not less than the lower earnings limit in force under section 5(1)(a) at the end of the relevant week;
 - (d) that he has been in employed earner’s employment with the employer by reference to whom the condition in paragraph (b) above is satisfied for a continuous period beginning with the end of the relevant week and ending with the day on which the child is placed for adoption; and
 - (e) where he is a person with whom the child is placed for adoption, that he has elected to receive statutory paternity pay.

Status: Point in time view as at 21/03/2022.

Changes to legislation: *Social Security Contributions and Benefits Act 1992, Section 171ZB is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The references in subsection (2) to the relevant week are to the week in which the adopter is notified of being matched with the child for the purposes of adoption.
- (4) A person may not elect to receive ^{F3}... [^{F4}statutory paternity pay] if he has elected in accordance with section 171ZL below to receive statutory adoption pay.
- (5) Regulations may make provision about elections for the purposes of subsection (2) (e) above.
- (6) A person's entitlement to ^{F5}... [^{F6}statutory paternity pay] under this section shall not be affected by the placement for adoption of more than one child as part of the same arrangement.
- (7) In this section, "adopter", in relation to a person who satisfies the condition under subsection (2)(a)(ii) above, means the person by reference to whom he satisfies that condition.
- [This section has effect in a case involving a child placed under section 22C of the
- ^{F7}(8) Children Act 1989 by a local authority in England with a local authority foster parent who has been approved as a prospective adopter with the following modifications—
- (a) the references in subsection (2) to a child being placed for adoption under the law of any part of the United Kingdom are to be treated as references to a child being placed under section 22C in that manner;
 - (b) the reference in subsection (3) to the week in which the adopter is notified of being matched with the child for the purposes of adoption is to be treated as a reference to the week in which the prospective adopter is notified that the child is to be, or is expected to be, placed with the prospective adopter under section 22C;
 - (c) the reference in subsection (6) to placement for adoption is to be treated as a reference to placement under section 22C;
 - (d) the definition in subsection (7) is to be treated as if it were a definition of "prospective adopter".
- (9) Where, by virtue of subsection (8), a person becomes entitled to statutory paternity pay in connection with the placement of a child under section 22C of the Children Act 1989, the person may not become entitled to payments of statutory paternity pay in connection with the placement of the child for adoption.]
- [This section has effect in a case involving a child placed under section 81 of the
- ^{F8}(10) Social Services and Well-being (Wales) Act 2014 by a local authority in Wales with a local authority foster parent who has been approved as a prospective adopter with the following modifications—
- (a) the references in subsection (2) to a child being placed for adoption under the law of any part of the United Kingdom are to be treated as references to a child being placed under section 81 in that manner;
 - (b) the reference in subsection (3) to the week in which the adopter is notified of being matched with the child for the purposes of adoption is to be treated as a reference to the week in which the prospective adopter is notified that the child is to be, or is expected to be, placed with the prospective adopter under section 81;
 - (c) the reference in subsection (6) to placement for adoption is to be treated as a reference to placement under section 81;

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(d) the definition in subsection (7) is to be treated as if it were a definition of “prospective adopter”.

(11) Where, by virtue of subsection (10), a person becomes entitled to statutory paternity pay in connection with the placement of a child under section 81 of the Social Services and Well-being (Wales) Act 2014, the person may not become entitled to payments of statutory paternity pay in connection with the placement of the child for adoption.]]

Textual Amendments

- F1** Pt. 12ZA inserted (8.12.2002) by [Employment Act 2002 \(c. 22\)](#), **ss. 2**, 55(2); S.I. 2002/2866, art. 2(2), Sch. 1 Pt. 2
- F2** Words in s. 171ZB(1) substituted (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 13(2)**; S.I. 2014/1640, art. 7(g) (with art. 16)
- F3** Word in s. 171ZB(4) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 13(3)**; S.I. 2014/1640, art. 7(g) (with art. 16)
- F4** Words in s. 171ZB(4) substituted (6.4.2010) by [Work and Families Act 2006 \(c. 18\)](#), s. 19(2), **Sch. 1 para. 13**; S.I. 2010/495, art. 4(d)
- F5** Word in s. 171ZB(6) repealed (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 13(4)**; S.I. 2014/1640, art. 7(g) (with art. 16)
- F6** Words in s. 171ZB(6) substituted (6.4.2010) by [Work and Families Act 2006 \(c. 18\)](#), s. 19(2), **Sch. 1 para. 13**; S.I. 2010/495, art. 4(d)
- F7** S. 171ZB(8)(9) inserted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 121(3)**, 139(6); S.I. 2014/1640, art. 3(1)(e)
- F8** S. 171ZB(10)(11) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **132**

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