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STATUTORY INSTRUMENTS

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**2003 No. 499**

**TERMS AND CONDITIONS OF EMPLOYMENT**

The Social Security Contributions and Benefits Act 1992 (Application of Parts 12ZA and 12ZB to Adoptions from Overseas) Regulations 2003

<i>Made</i>	- - - -	<i>5th March 2003</i>
<i>Laid before Parliament</i>		<i>6th March 2003</i>
<i>Coming into force</i>		
<i>So far as applying enabling powers</i>		<i>10th March 2003</i>
<i>For all other purposes</i>		<i>6th April 2003</i>

The Secretary of State, in exercise of the powers conferred on her by sections 171ZK and 171ZT of the Social Security Contributions and Benefits Act 1992 <sup>M1</sup> by this instrument, which contains only provision made by virtue of sections 2 and 4 of the Employment Act 2002 <sup>M2</sup> and is made before the end of the period of 6 months from the coming into force of those enactments <sup>M3</sup>, hereby makes the following Regulations—

**Marginal Citations**

- M1** Sections 171ZA to 171ZK of the [Social Security and Contributions and Benefits Act 1992 \(c. 4\)](#) (Part 12ZA) were inserted by section 2 of the [Employment Act 2002](#) and sections 171ZL to 171ZT (Part 12ZB) by section 4 of that Act.
- M2** [2002 c. 22](#).
- M3** See section 173(5)(b) of the [Social Security Administration Act 1992 \(c. 5\)](#).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security Contributions and Benefits Act 1992 (Application of Parts 12ZA and 12ZB to Adoptions from Overseas) Regulations 2003 and shall come into force, in so far as they apply powers to make regulations, on 10th March 2003, and for all other purposes on 6th April 2003.

(2) In these Regulations—

**Status:** Point in time view as at 15/07/2011.

**Changes to legislation:** There are currently no known outstanding effects for the The Social Security Contributions and Benefits Act 1992 (Application of Parts 12ZA and 12ZB to Adoptions from Overseas) Regulations 2003. (See end of Document for details)

“adoption from overseas” means the adoption of a child who enters Great Britain from outside the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom;

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

### **Application of Part 12ZA of the Act to adoptions from overseas**

2. Part 12ZA of the Act<sup>F1</sup>(as it concerns both ordinary statutory paternity pay and additional statutory paternity pay)] shall apply in relation to adoptions from overseas, with the modifications of sections 171ZB, 171ZE<sup>F2</sup>, 171ZEB, 171ZEE] and 171ZJ of the Act specified in the second column of Schedule 1.

#### **Textual Amendments**

- F1** Words in reg. 2 inserted (6.4.2010) by [The Social Security Contributions and Benefits Act 1992 \(Application of Parts 12ZA and 12ZB to Adoptions from Overseas\) Regulations 2003 \(Amendment\) Regulations 2010 \(S.I. 2010/153\)](#), regs. 1(1), **2(2)(a)**
- F2** Words in reg. 2 inserted (6.4.2010) by [The Social Security Contributions and Benefits Act 1992 \(Application of Parts 12ZA and 12ZB to Adoptions from Overseas\) Regulations 2003 \(Amendment\) Regulations 2010 \(S.I. 2010/153\)](#), regs. 1(1), **2(2)(b)**

### **Application of Part 12ZB of the Act to adoptions from overseas**

3. Part 12ZB of the Act shall apply in relation to adoptions from overseas, with the modifications of sections 171ZL and 171ZS of the Act specified in the second column of Schedule 2.

Signed by authority of the Secretary of State for Trade and Industry

*Alan Johnson,*  
Minister of State for Employment Relations,  
Industry and the Regions,  
Department of Trade and Industry

**SCHEDULE 1**

Regulation 2

**Application of Part 12ZA of the Act to adoptions from overseas**

Provision	Modification
Section 171ZB(2)	<p><sup>F3</sup> ...</p> <p>In paragraph (a)(i), for “who is placed for adoption under the law of any part of the United Kingdom” substitute “ who is adopted from overseas ”.</p> <p>In paragraph (a)(ii), for “a person with whom the child is so placed for adoption” substitute .</p> <p>[<sup>F4</sup>In paragraph (b), omit “ending with the relevant week”].</p> <p>In paragraph (d), for “the day on which the child is placed for adoption” substitute “ the day on which the child enters Great Britain ”.</p> <p>In paragraph (e), for “a person with whom the child is placed for adoption” substitute “ an adopter of the child ”.</p>
Section 171ZB(3)	<p>[<sup>F5</sup>For subsection (3) substitute—</p> <p>(3) The references in subsection (2)(c) and (d) to the relevant week are to—</p> <p>(a) the week in which official notification is sent to the adopter, or</p> <p>(b) the week at the end of which the person satisfies the condition in subsection (2)(b), whichever is the later.]</p>
Section 171ZB(6)	<p><sup>F6</sup> ...</p> <p><sup>F6</sup> “ ..... ”</p> <p>For “the placement for adoption of more than one child as part of the same arrangement” substitute “ the adoption from overseas of more than one child as part of the same arrangement ”.</p>
Section 171ZB(7)	<p>Omit subsection (7).</p>
Section 171ZE(3)	<p>In paragraph (b), for “with the date of the child’s placement for adoption” substitute “ with the date of the child’s entry into Great Britain ”.</p>
Section 171ZE(10)	<p>For subsection (10) substitute—</p> <p>“(10) Where more than one child is the subject of adoption from overseas as part of the same arrangement, and the date of entry of each child is different, the reference in subsection (3) (b) to the date of the child’s entry into Great</p>

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	<p>Britain shall be interpreted as a reference to the date of the entry of the first child to enter Great Britain.”.</p>
Section 171ZEB(2)	<p>[<sup>F7</sup>In paragraph (a)(i), for “who has been placed for adoption under the law of any part of the United Kingdom” substitute “who has been adopted from overseas”.</p> <p>In paragraph (a)(ii), for “a person with whom the child is so placed for adoption” substitute “an adopter of the child”.</p> <p>In paragraph (b), for “ending with a prescribed week” substitute “prior to the date of the child’s entry into Great Britain”.</p> <p>In paragraph (e), for “the placement of the child for adoption”, substitute “the adoption of the child from overseas”.</p> <p>In paragraph (g)(i) for “the placement of the child for adoption”, substitute “the date of the child’s entry into Great Britain”.</p>
Section 171ZEB(5)	<p>For “the placement for adoption of more than one child as part of the same arrangement” substitute “the adoption from overseas of more than one child as part of the same arrangement”.</p>
Section 171ZEE(3)	<p>For “the person with whom the child is placed for adoption”, substitute “adopter”</p>
Section 171ZEE(4)	<p>In paragraph (c) (ii), for “person with whom the child is placed for adoption”, substitute “adopter”.</p>
Section 171ZEE(5)	<p>For paragraph (b), substitute—</p> <p>“(b) in the case of a person to whom the conditions in section 171ZEB(2) apply, the date of the child’s entry into Great Britain (or, where more than one child is subject to adoption from overseas as part of the same arrangement, the date of the entry of the first child to enter Great Britain).”].</p>
Section 171ZJ(1)	<p>In the appropriate places in the alphabetical order, insert—</p> <p>““adopter”, in relation to a child, means a person by whom the child has been or is to be adopted;”</p> <p>““adoption from overseas” means the adoption of a child who enters Great Britain from outside</p>

the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom, and the references to a child adopted from overseas shall be construed accordingly;”

““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 the child, 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;”

““relevant domestic authority” means—

- (a) in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations 2003 apply and who is habitually resident in Wales, the National Assembly of Wales;
- (b) in the case of an adopter to whom the [<sup>F8</sup>Adoptions with a Foreign Element (Scotland) Regulations 2009] apply and who is habitually resident in Scotland, the Scottish Ministers;
- (c) in any other case, the Secretary of State.”.

### Textual Amendments

- F3** Words in Sch. 1 omitted (6.4.2004) by virtue of [Statutory Paternity Pay and Statutory Adoption Pay \(Amendment\) Regulations 2004 \(S.I. 2004/488\)](#), regs. 1(1), **3(2)(a)**
- F4** Words in Sch. 1 inserted (6.4.2004) by [Statutory Paternity Pay and Statutory Adoption Pay \(Amendment\) Regulations 2004 \(S.I. 2004/488\)](#), regs. 1(1), **3(2)(b)**
- F5** Words in Sch. 1 substituted (6.4.2004) by [Statutory Paternity Pay and Statutory Adoption Pay \(Amendment\) Regulations 2004 \(S.I. 2004/488\)](#), regs. 1(1), **3(2)(c)**
- F6** Words in Sch. 1 omitted (6.4.2004) by virtue of [Statutory Paternity Pay and Statutory Adoption Pay \(Amendment\) Regulations 2004 \(S.I. 2004/488\)](#), regs. 1(1), **3(2)(d)**
- F7** Sch. 1 entries inserted (6.4.2010) by [The Social Security Contributions and Benefits Act 1992 \(Application of Parts 12ZA and 12ZB to Adoptions from Overseas\) Regulations 2003 \(Amendment\) Regulations 2010 \(S.I. 2010/153\)](#), regs. 1(1), **2(3)**
- F8** Words in Sch. 1 substituted (E.W.NI.) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 2 para. 7(2)**; (S) (21.3.2011) by [The Adoptions with a Foreign Element \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/159\)](#), regs. 1, 9(2)

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**SCHEDULE 2**

Regulation 3

**Application of Part 12ZB of the Act to adoptions from overseas**

Provision	Modification
Section 171ZL(2)	<p><sup>F9</sup> ...</p> <p>In paragraph (a), for “with whom a child is, or is expected to be, placed for adoption under the law of any part of the United Kingdom” substitute “ who is, or is expected to be, an adopter of a child from overseas ”.</p> <p>[<sup>F10</sup>In paragraph (b), omit “ending with the relevant week”].</p>
Section 171ZL(3)	<p>For “is notified that he has been matched with the child for the purposes of adoption” substitute “ is sent official notification ”.</p> <p>[<sup>F11</sup>For subsection (3) substitute—</p> <p>(3) The reference in subsection (2)(d) to the relevant week is to—</p> <p>(a) the week in which official notification is sent to the adopter, or</p> <p>(b) the week at the end of which the person satisfies the condition in subsection (2)(b), whichever is the later.]</p> <p><sup>F12</sup>“(3A) .....”</p>
Section 171ZL(4)	<p>In paragraph (b), for “placed for adoption with him” substitute “ adopted by him ”.</p>
Section 171ZL(5)	<p>For “the placement, or expected placement, for adoption of more than one child” substitute “ the adoption, or expected adoption, from overseas of more than one child ”.</p>
Section 171ZS(1)	<p>In the appropriate places in the alphabetical order, insert—</p> <p>““adopter”, in relation to a child, means a person by whom a child has been or is to be adopted;”</p> <p>““adoption from overseas” means the adoption of a child who enters Great Britain from outside the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom, and the reference to an adopter from overseas shall be construed accordingly;”</p> <p>““official notification” means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared</p>

to issue a certificate to the overseas authority concerned with the adoption of the child, 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;”

““relevant domestic authority” means—

- (a) in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations 2003 apply and who is habitually resident in Wales, the National Assembly of Wales;
- (b) in the case of an adopter to whom the [<sup>F13</sup>Adoptions with a Foreign Element (Scotland) Regulations 2009] apply and who is habitually resident in Scotland, the Scottish Ministers;
- (c) in any other case, the Secretary of State.”.

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#### Textual Amendments

- F9** Words in Sch. 2 omitted (6.4.2004) by virtue of [Statutory Paternity Pay and Statutory Adoption Pay \(Amendment\) Regulations 2004 \(S.I. 2004/488\)](#), regs. 1(1), **3(3)(a)**
- F10** Words in Sch. 2 inserted (6.4.2004) by [Statutory Paternity Pay and Statutory Adoption Pay \(Amendment\) Regulations 2004 \(S.I. 2004/488\)](#), regs. 1(1), **3(3)(b)**
- F11** Words in Sch. 2 substituted (6.4.2004) by [Statutory Paternity Pay and Statutory Adoption Pay \(Amendment\) Regulations 2004 \(S.I. 2004/488\)](#), regs. 1(1), **3(3)(c)**
- F12** Words in Sch. 2 omitted (6.4.2004) by virtue of [Statutory Paternity Pay and Statutory Adoption Pay \(Amendment\) Regulations 2004 \(S.I. 2004/488\)](#), regs. 1(1), **3(3)(d)**
- F13** Words in Sch. 2 substituted (E.W.NI.) (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), **Sch. 2 para. 7(3)**; (S.) (21.3.2011) by [The Adoptions with a Foreign Element \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/159\)](#), regs. 1, 9(3)

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This instrument contains only regulations made by virtue of sections 2 and 4 of the Employment Act 2002, which came into force on 8th December 2002. The instrument is made before the end of the period of 6 months beginning with the coming into force of those provisions. The regulations in it are therefore exempted by section 173(5)(b) of the Social Security Administration Act 1992

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from the requirement under section 172 of that Act to refer the proposals to make the regulations to the Social Security Advisory Committee and they are made without reference to the Committee. These Regulations, made under provisions inserted into the Social Security Contributions and Benefits Act 1992 by the Employment Act 2002, apply Parts 12ZA and 12ZB of that Act, as modified by these Regulations, to adoptions from overseas, which are adoptions of children who enter Great Britain from outside the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of a child for adoption under the law of any part of the United Kingdom. The Regulations relating to statutory paternity pay and statutory adoption pay in connection with adoptions from overseas are the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) Regulations 2003 (SI 2003/500).



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