

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</i>	
<i>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(a) by this instrument, which contains only provision made by virtue of sections 2 and 4 of the Employment Act 2002(b) and is made before the end of the period of 6 months from the coming into force of those enactments(c), hereby makes the following Regulations—

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—

“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 shall apply in relation to adoptions from overseas, with the modifications of sections 171ZB, 171ZE and 171ZJ of the Act specified in the second column of Schedule 1.

(a) Sections 171ZA to 171ZK of the Social Security 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.

(b) 2002 c.22.

(c) See section 173(5)(b) of the Social Security Administration Act 1992 (c.5).

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

5th March 2003

SCHEDULE 1

Regulation 2

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

Provision	Modification
Section 171ZB(2)	<p>For “The conditions are” substitute “Subject to subsection (3A), the conditions are”.</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 “an adopter of the child”.</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>For “the adopter is notified of being matched with the child for the purposes of adoption” substitute “official notification is sent to the adopter”.</p> <p>After subsection (3), insert the following subsection—</p> <p>“(3A) Where at the time that the adopter is sent official notification the person has been in employed earner’s employment with an employer for less than a continuous period of 26 weeks, subsection (2)(b) shall have effect as if the words “ending with the relevant week” were omitted.”.</p>
Section 171ZB(6)	<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>

Provision	Modification
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 Britain shall be interpreted as a reference to 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 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;”</p> <p>““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;”</p> <p>““relevant domestic authority” means—</p> <p>(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;</p> <p>(b) in the case of an adopter to whom the Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003 apply and who is habitually resident in Scotland, the Scottish Ministers;</p> <p>(c) in any other case, the Secretary of State.”.</p>

SCHEDULE 2

Regulation 3

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

Provision	Modification
Section 171ZL(2)	<p>For “The conditions are” substitute “Subject to subsection (3A), the conditions are”.</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>
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>After subsection (3), insert the following subsection—</p> <p>“(3A) Where, at the time that the adopter is sent official notification, he has been in employed earner’s employment with an employer for less than a continuous period of 26 weeks—</p> <p>(a) subsection (2)(b) shall have effect as if the words “ending with the relevant week” were omitted;</p> <p>(b) subsection (3) shall have effect as if the words “(2)(b) and” were omitted.”.</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>

Provision	Modification
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 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;”</p> <p>““relevant domestic authority” means—</p> <p>(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;</p> <p>(b) in the case of an adopter to whom the Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003 apply and who is habitually resident in Scotland, the Scottish Ministers;</p> <p>(c) in any other case, the Secretary of State.”.</p>

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 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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