
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 378

**Statutory Paternity Pay and Statutory Adoption
Pay (General) Regulations (Northern Ireland) 2002**

PART III

STATUTORY PATERNITY PAY (ADOPTION)

Conditions of entitlement to statutory paternity pay (adoption): relationship with child and with person with whom the child is placed for adoption

11.—(1) The conditions prescribed under section 167ZB(2)(a) of the Act are that a person—

- (a) is married to or the partner of a child’s adopter; and
- (b) has, or expects to have, the main responsibility (apart from the responsibility of the child’s adopter, or in a case where there are two adopters, together with the other adopter) for the upbringing of the child.

(2) For the purposes of paragraph (1), “partner” means a person (whether of a different sex or the same sex) who lives with the adopter and the child in an enduring family relationship but is not a relative of the adopter of a kind specified in paragraph (3).

(3) References to relationships in paragraph (2)—

- (a) are to relationships of the full blood or half blood, or, in the case of an adopted person, such of those relationships as would exist but for the adoption, and
- (b) include the relationship of a child with his adoptive, or former adoptive parents but do not include any other adoptive relationships.

Period of payment of statutory paternity pay (adoption)

12.—(1) Subject to paragraph (2) and regulation 14, a person entitled to statutory paternity pay (adoption) may choose the statutory paternity pay period to begin on—

- (a) the date on which the child is placed with the adopter or, where the person is at work on that day, the following day;
- (b) the date falling such number of days after the date on which the child is placed with the adopter as the person may specify;
- (c) a predetermined date, specified by the person, which is later than the date on which the child is expected to be placed with the adopter.

(2) In a case where statutory paternity pay (adoption) is payable in respect of a child matched with an adopter who is notified of having been matched before 6th April 2003, the statutory paternity pay period shall begin on a predetermined date, specified by the person entitled to such pay in a notice under section 167ZC(1) of the Act, which is at least 28 days after the date on which that notice was given, unless the person liable to pay statutory paternity pay (adoption) agrees to the period beginning earlier.

(3) A person may choose for statutory paternity pay (adoption) to be paid in respect of a period of a week.

(4) A choice made in accordance with paragraph (1) is not irrevocable, but where a person subsequently makes a different choice in relation to the beginning of the statutory paternity pay period, section 167ZC(1) of the Act shall apply to it.

Additional notice requirements for statutory paternity pay (adoption)

13.—(1) Where the choice made by a person in accordance with paragraph (1) of regulation 12 and notified in accordance with section 167ZC(1) of the Act is that mentioned in sub-paragraph (a) or (b) of that paragraph, the person shall give further notice to the person liable to pay him statutory paternity pay as soon as is reasonably practicable of the date on which the placement occurred.

(2) Where the choice made by a person in accordance with paragraph (1) of regulation 12 and notified in accordance with section 167ZC(1) of the Act is that mentioned in sub-paragraph (c) of that paragraph, or a date is specified under paragraph (2) of that regulation, and the child is placed for adoption later than the date so specified, the person shall, if he wishes to claim statutory paternity pay (adoption), give notice to the person liable to pay it, as soon as is reasonably practicable, that the period in respect of which statutory paternity pay is to be paid shall begin on a date different from that originally chosen by him.

(3) That date may be any date chosen in accordance with paragraph (1) of regulation 12.

Qualifying period for statutory paternity pay (adoption)

14. The qualifying period for the purposes of section 167ZE(2) of the Act (period within which the statutory pay period must occur) is a period of 56 days beginning with the date of the child's placement for adoption.

Evidence of entitlement for statutory paternity pay (adoption)

15.—(1) A person shall provide evidence of his entitlement to statutory paternity pay (adoption) by providing in writing to the person who will be liable to pay him statutory paternity pay (adoption)—

- (a) the information specified in paragraph (2);
- (b) a declaration that he meets the conditions prescribed under section 167ZB(2)(a) of the Act and that it is not the case that statutory paternity pay (adoption) is not payable to him by virtue of the provisions of section 167ZE(4) of the Act;
- (c) a declaration that he has elected to receive statutory paternity pay (adoption), and not statutory adoption pay under Part XIIIZB of the Act.

(2) The information referred to in paragraph (1) is as follows—

- (a) the name of the person claiming statutory paternity pay (adoption);
- (b) the date on which the child is expected to be placed for adoption or, where the child has already been placed for adoption, the date of placement of the child;
- (c) the date from which it is expected that the liability to pay statutory paternity pay (adoption) will begin;
- (d) whether the period chosen in respect of which statutory paternity pay (adoption) is to be payable is a week;
- (e) the date the adopter was notified he had been matched with the child for the purposes of adoption.

(3) The information and declarations referred to in paragraph (1) shall be provided to the person liable to pay statutory paternity pay at least 28 days before the date mentioned in sub-paragraph (c) of paragraph (2) or, if that is not reasonably practicable, as soon as is reasonably practicable thereafter.

(4) Where the person who will be liable to pay statutory paternity pay (adoption) so requests, the person entitled to it shall inform him of the date of the child's placement within 28 days, or as soon as is reasonably practicable thereafter.

Entitlement to statutory paternity pay (adoption) where there is more than one employer

16. Statutory paternity pay (adoption) shall be payable to a person in respect of a statutory pay week during any part of which he works only for an employer—

- (a) who is not liable to pay him statutory paternity pay (adoption); and
- (b) for whom he has worked in the week in which the adopter is notified of being matched with the child.