

Order made by the Department for Employment and Learning and laid before the Assembly under Article 251(1A) of the Employment Rights (Northern Ireland) Order 1996 for approval of the Assembly before the expiration of six months from the date of its coming into operation

STATUTORY RULES OF NORTHERN IRELAND

2010 No. 303

**EMPLOYMENT
WORK AND FAMILIES**

**The Employment Rights (Northern Ireland) Order
1996 (Application of Article 112BB to Adoptions
from Overseas) Regulations (Northern Ireland) 2010**

Made - - - - 9th September 2010
Coming into operation 3rd October 2010

The Department for Employment and Learning makes the following Regulations in exercise of the powers conferred by Article 112BB(10) of the Employment Rights (Northern Ireland) Order 1996(a).

Citation and commencement

1. These Regulations may be cited as the Employment Rights (Northern Ireland) Order 1996 (Application of Article 112BB to Adoptions from Overseas) Regulations (Northern Ireland) 2010 and shall come into operation on 3rd October 2010.

Application of Article 112BB of the Employment Rights (Northern Ireland) Order 1996 to adoptions from overseas

2.—(1) Article 112BB of the Employment Rights (Northern Ireland) Order 1996 shall have effect in relation to adoptions from overseas with the modifications of the provisions specified in the first column of the Schedule to these Regulations that are set out opposite those provisions in the second column of that Schedule.

(2) In these Regulations—

(a) S.I. 1996/1919 (N.I. 16); Article 112BB was inserted by Article 6 of the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16))

*Status: This is the original version (as it was originally made). Northern
Ireland Statutory Rules are not carried in their revised form on this site.*

“adoption from overseas” means the adoption of a child who enters Northern Ireland 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.

Sealed with the Official Seal of the Department for Employment and Learning on 9th September 2010.

Sir Reg Empey
Minister for Employment and Learning

SCHEDULE

Regulation 2(1)

<i>Provision of the Employment Rights (Northern Ireland) Order 1996</i>	<i>Modification</i>
Article 112BB(1)	<p>In paragraph (b), for “placed for adoption under the law of any part of the United Kingdom” substitute “who is the subject of adoption from overseas”.</p> <p>In paragraph (c), for “a person with whom the child is so placed for adoption (“the adopter”)” substitute “the child’s adopter”.</p>
Article 112BB(5)	<p>In paragraph (a), for “child’s placement for adoption” substitute “child’s entry into Northern Ireland”.</p>
Article 112BB(7)	<p>In paragraph (b), for “exercises a right to be absent from work on adoption leave” substitute “is a child’s adopter”.</p> <p>In paragraph (c), for “is placed for adoption” substitute “is the subject of adoption from overseas”.</p>
Article 112BB(8)	<p>For paragraph (8) substitute—</p> <p>“(8) 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 (5) to the date of the child’s entry into Northern Ireland shall be interpreted as a reference to the date of the entry of the first child into Northern Ireland.”.</p>
Article 112BB(9)	<p>For paragraph (9), substitute—</p> <p>“(9) In this Article—</p> <p>“adopter”, in relation to a child, means a person by whom the child has been or is to be adopted or, in a case where the child has been or is to be adopted by two people jointly, whichever of them has elected to take leave under Article 107A or 107B;</p> <p>“adoption from overseas” means the adoption of a child who enters Northern Ireland 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</p>

“week” means any period of seven days.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Article 112BB of the Employment Rights (Northern Ireland) Order 1996 contains the powers under which the Department may make regulations entitling an employee adopting a child under the law of any part of the United Kingdom to additional paternity leave.

These Regulations, made under Article 112BB(10) of that Order, provide for Article 112BB to have effect, with modifications, in relation to adoptions from overseas. An overseas adoption is the adoption of a child who enters Northern Ireland from outside the United Kingdom in connection with or for the purposes of an adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom.