STATUTORY RULES OF NORTHERN IRELAND

2015 No. 150

SOCIAL SECURITY

The Statutory Maternity Pay (Curtailment) Regulations (Northern Ireland) 2015

Made - - - -	*11th March 2015*
Coming into operation	*15th March 2015*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 161(3A), (3B), (3C) and (3D) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and now vested in it(**2**).

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Statutory Maternity Pay (Curtailment) Regulations (Northern Ireland) 2015 and shall come into operation on 15th March 2015.

Interpretation

2.—(1) In these Regulations—

"the 1992 Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

"the 1996 Order" means the Employment Rights (Northern Ireland) Order 1996(**3**);

"C" means the child in respect of whom an entitlement to—

(a) shared parental leave arises under Article 107E (entitlement to shared parental leave: birth) of the 1996 Order(**4**); or

(**1**) 1992 c. 7; section 35(3A) to (3D) was inserted by section 6(1) and (2) of the Work and Families Act (Northern Ireland) 2015 (c. 6) ("the 2015 Act") and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) 1996 No. 1919 (N.I. 16)
(**4**) Article 107E was inserted by Article 2(2) of the 2015 Act

(b) statutory shared parental pay arises under section 167ZU (entitlement: birth) of the 1992 Act(**5**);

"M" means the mother (or expectant mother) of C;

"maternity pay period curtailment date" means, subject to regulation 7(5), the date specified in a maternity pay period curtailment notification;

"maternity pay period curtailment notification" means a notification given in accordance with regulation 7 and regulation 8(5);

"P" means the father of C, or the person who is married to, or the civil partner or the partner of, M;

"partner" in relation to M, means a person (whether of a different sex or the same sex) who lives with M and C in an enduring family relationship but is not M's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew;

"SPL Regulations" means the Shared Parental Leave Regulations (Northern Ireland) 2015(**6**);

"ShPP Regulations" means the Statutory Shared Parental Pay (General) Regulations (Northern Ireland) 2015(**7**); and

"statutory maternity pay" has the meaning given in section 160(1) (statutory maternity pay—entitlement and liability to pay) of the 1992 Act.

(2) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Assembly.

Notices

3.—(1) Where a notice is to be given under these Regulations, it may be given—

(a) where paragraph (2) applies, by electronic communication;

(b) by post; or

(c) by personal delivery.

(2) This paragraph applies where the person who is to receive the notice has agreed that the notice may be given to the person by being transmitted to an electronic address and in an electric form specified by the person for the purpose.

(3) Where a notice is to be given under these Regulations it is to be taken to have been given—

(a) if sent by electronic communication, on the day of transmission;

(b) if sent by post in an envelope which is properly addressed and sent by prepaid post, on the day on which it is posted; or

(c) if delivered personally, on the day of delivery.

PART 2

CURTAILMENT OF MATERNITY PAY PERIOD

Curtailment of maternity pay period (statutory shared parental pay: M)

4. M's maternity pay period shall end on the maternity pay period curtailment date if—

(**5**) Section 167U was inserted by Article 5(2) of the 2015 Act
(**6**) S.R. 2015 No. 93
(**7**) S.R. 2015 No. 94
(**8**) 1954 c.33 (N.I.)

(a) M gives a maternity pay period curtailment notice (unless the notice is revoked under regulation 8);

(b) M satisfies the conditions in sub-paragraphs (a) and (d) of regulation 4(2) (entitlement of mother to statutory shared parental pay (birth)) of the ShPP Regulations; and

(c) P satisfies the conditions in sub-paragraph (b) of regulation 4(3) of the ShPP Regulations.

Curtailment of maternity pay period (statutory shared parental pay: P)

5. M's maternity pay period shall end on the maternity pay period curtailment date if—

(a) M gives a maternity pay period curtailment notice (unless the notice is revoked under regulation 8);

(b) P satisfies the conditions in sub-paragraph (a) of regulation 5(2) (entitlement of father or partner to statutory shared parental pay (birth)) of the ShPP Regulations; and

(c) M satisfies the conditions in sub-paragraphs (b) and (c) of regulation 5(3) of the ShPP Regulations.

Curtailment of maternity pay period (shared parental leave: P)

6. M's maternity pay period shall end on the maternity pay period curtailment date if—

(a) M gives a maternity pay period curtailment notice (unless the notice is revoked under regulation 8);

(b) P satisfies the condition in sub-paragraph (a) of regulation 5(2) (father's or partner's entitlement to shared parental leave) of the SPL Regulations; and

(c) M satisfies the conditions in sub-paragraphs (a) and (c) of regulation 5(3) of the SPL Regulations.

Maternity pay period curtailment notice

7.—(1) A maternity pay period curtailment notice must—

(a) be in writing;

(b) specify the date on which M's statutory maternity pay period is to end; and

(c) be given to the person who is liable to pay M's statutory maternity pay.

(2) The date specified in accordance with paragraph (1)(b) must be—

(a) the last day of a week;

(b) if M has the right to maternity leave under Article 103 (ordinary maternity leave) of the 1996 Order(**9**), at least one day after the end of the compulsory maternity leave period, or, if M does not have that right, at least two weeks after the end of the pregnancy;

(c) at least eight weeks after the date on which M gave the maternity pay period curtailment notice; and

(d) at least one week before the last day of the maternity pay period.

(3) In paragraph (2)(b) "the end of the compulsory maternity leave period" means whichever is the later of—

(**9**) Article 103 was substituted by Article 9 and Part 1 of Schedule 4 to the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (N.I. 9)) ("the 1999 Order"). Article 103(3) was substituted by Article 13(1) and section 30 of Schedule 1 to the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I 16)) and Article 103(4) and (7) was amended by Article 14(2) and (3) of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))