STATUTORY RULES OF NORTHERN IRELAND

2014 No. 140

SOCIAL SECURITY

The Social Security (Maternity Allowance) (Miscellaneous Amendments) Regulations (Northern Ireland) 2014

Made - - - -	*16th May 2014*
Coming into operation	*18th May 2014*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Article 39(1) of, and paragraph 4(1)(b) of Schedule 1 to, the Child Support (Northern Ireland) Order 1991(**1**), sections 35(3), 35B(11) and 171(1), (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**),and now vested in it(**3**), and section 25(2) of, and paragraph 1(a) of Schedule 2 to, the Welfare Reform Act (Northern Ireland) 2007(**4**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Maternity Allowance) (Miscellaneous Amendments) Regulations (Northern Ireland) 2014 and shall come into operation on 18th May 2014.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security (Maternity Allowance) Regulations

2.—(1) The Social Security (Maternity Allowance) Regulations (Northern Ireland) 1987(**6**) are amended in accordance with paragraphs (2) to (4).

(2) After regulation 1(2) (interpretation) insert—

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

(**1**) 1991/2628 (N.I. 23); Part 1 of Schedule 1 was substituted by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) (N.I.)
(**2**) 1992 c. 7; section 35(3)(a) was amended by paragraph 5 of Schedule 1 to the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16)) and section 35B(11) was inserted by regulation 2(5) of S.R. 2014 No. 102. Section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) 2007 c. 2 (N.I.)
(**5**) 1954 c.33 (N.I.)
(**6**) S.R. 1987 No. 170; relevant amending Regulations are S.R., 2006 No. 361, S.R. 1997 No. 156 and S.R. 2002 No. 354

(3) For regulation 2(**7**) (disqualification for the receipt of a maternity allowance) substitute—

"**Disqualification for the receipt of a maternity allowance**

2.—(1) A woman shall be disqualified for receiving a maternity allowance under section 35 of the 1992 Act if during the maternity allowance period she does any work in employment as an employed or self-employed earner, for more than 10 days, whether consecutive or not, falling within that period.

(2) The disqualification referred to in paragraph (1) shall be for such part of the maternity allowance period as may, in the opinion of the Department, be reasonable in the circumstances, provided that the disqualification shall, in any event, be for at least the number of days on which she so worked in excess of 10 days.

(3) A woman shall be disqualified for receiving a maternity allowance under section 35B of the 1992 Act if during the maternity allowance period—

(a) she works with S (as defined in subsection (1)(b) of that section); or

(b) she does any work in employment as an employed or self-employed earner.

(4) The disqualification referred to in paragraph (3) shall be for such part of the maternity allowance period as may, in the opinion of the Department, be reasonable in the circumstances and in any event shall be for at least the number of days she so worked.

(5) A woman shall be disqualified for receiving a maternity allowance under section 35 or 35B of the 1992 Act if during the maternity allowance period she fails without good cause to take due care of her health or to answer reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by the Department or its officers directed to ascertaining whether she is doing so.

(6) The disqualification referred to in paragraph (5) shall be for such part of the maternity allowance period as may, in the opinion of the Department, be reasonable in the circumstances.

(7) A woman shall be disqualified for receiving a maternity allowance under section 35 or 35B of the 1992 Act if at any time before she is confined she fails without good cause to attend for or to submit herself to any medical examination for which she was given at least 3 days notice in writing by or on behalf of the Department.

(8) The disqualification referred to in paragraph (7) shall be for such part of the maternity allowance period (being a part beginning not earlier than the day on which the failure occurs) as may, in the opinion of the Department, be reasonable in the circumstances, except that in the event of her being confined after such failure the woman shall not by reason of such failure be so disqualified for the day on which the confinement occurs or any day thereafter.".

(4) In regulation 3 (modification of the maternity allowance period)—

(a) in paragraph (1)(**8**), for "the following provisions of this regulation" substitute "paragraph (2A)"; and

(b) after paragraph (2A)(**9**) add—

"(2B) The provisions of section 35B of the 1992 Act which relate to the maternity allowance period shall, in relation to a woman who—

(a) is not entitled to maternity allowance at the 11th week before the expected week of confinement;

(**7**) Regulation 2 was amended by regulation 4(2) of S.R. 2006 No. 361
(**8**) Paragraph (1) was amended by regulation 2(a) of S.R. 1997 No. 156 and regulation 5(a) of S.R. 2002 No. 354
(**9**) Paragraph (2A) was inserted by regulation 3(2) of S.R. 1994 No. 191 and amended by regulation 4(3) of S.R. 2006 No. 361