STATUTORY RULES OF NORTHERN IRELAND

2000 No. 324

SOCIAL SECURITY
STATUTORY MATERNITY PAY

The Statutory Maternity Pay (General) (Modification and Amendment) Regulations (Northern Ireland) 2000

Made - - - -	*26th October 2000*
Coming into operation	*17th November 2000*

The Department for Social Development, in exercise of the powers conferred by sections 160(4), (9)(e) and (10), 161(1) and (3) and 171(1) to (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), and now vested in it(**2**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Statutory Maternity Pay (General) (Modification and Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 17th November 2000.

(2) In these Regulations—

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

"the Statutory Maternity Pay Regulations" means the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**3**).

(3) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Modification of section 160(2)(a) of the Contributions and Benefits Act

2. Subject to regulation 4, in relation to a woman who is dismissed, or whose employment is otherwise terminated without her consent, after the beginning of the week immediately preceding

(**1**) 1992 c. 7; sections 160(10) and 161(3) were amended by regulation 6(1) and 3(2) respectively of S.R. 1994 No. 176 and section 171(2) was amended by paragraph 28(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I.1999/671)
(**2**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**3**) S.R. 1987 No. 30; relevant amending regulations are S.R. 1994 No. 191
(**4**) 1954 c. 33 (N.I.)

the 14th week before the expected week of confinement, section 160(2)(a) of the Contributions and Benefits Act (conditions of entitlement to statutory maternity pay) shall have effect with the ommission of the words ", wholly or partly because of pregnancy or confinement".

Amendment of the Statutory Maternity Pay Regulations

3.—(1) Subject to regulation 4, the Statutory Maternity Pay Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(**5**) (the maternity pay period)—

(a) in paragraph (1) for "Subject to paragraphs (3) to (5)" there shall be substituted "Subject to paragraphs (3) to (6)";

(b) in paragraph (4)(**6**) for "Subject to paragraph (5)" there shall be substituted "Subject to paragraphs (5) and (6)"; and

(c) after paragraph (5) there shall be added the following paragraph—

"(6) Where a woman is dismissed, or her employment is otherwise terminated without her consent, before the maternity pay period has started, but after the beginning of the 11th week before the expected week of confinement and not later than the week immediately following the week in which she is confined, the first week of the maternity pay period shall be the week after the week in which her employment ends.".

(3) In regulation 23(**7**) (notice of absence from work) for paragraph (4) there shall be substituted the following paragraph—

"(4) Subject to paragraph (5), section 160(4) of the Contributions and Benefits Act (entitlement to statutory maternity pay dependent on notice to employer) shall not apply to a woman who leaves her employment with the person who will be liable to pay her statutory maternity pay after the beginning of the week immediately preceding the 14th week before the expected week of confinement, if she leaves because she is dismissed or if her employment is otherwise terminated without her consent.".

Transitional provision

4. In relation to a woman whose expected week of confinement begins before 4th March 2001, the Contributions and Benefits Act and the Statutory Maternity Pay Regulations shall have effect as if these Regulations had not been made.

Revocation

5. Regulation 2(2)(*a*)(i) of the Social Security Maternity Benefits, Statutory Maternity Pay and Statutory Sick Pay (Amendment) Regulations (Northern Ireland) 1994(**8**) is hereby revoked.

(**5**) Regulation 2 was amended by regulation 2(2) of S.R. 1994 No. 191
(**6**) Paragraphs (4) and (5) were added by regulation 2(2)(*d*) of S.R. 1994 No. 191
(**7**) Regulation 23 was amended by regulation 2(6) of S.R. 1994 No. 191
(**8**) S.R. 1994 No. 191; to which there are amendments not relevant to these regulations