STATUTORY RULES OF NORTHERN IRELAND

2014 No. 102

SOCIAL SECURITY

The Social Security (Maternity Allowance) (Participating Wife or Civil Partner of Self-employed Earner) Regulations (Northern Ireland) 2014

Made - - - -	*31st March 2014*
Coming into operation	*1st April 2014*

The Department for Social Development is designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to allowances made to women on maternity leave.

Accordingly the Department for Social Development makes these Regulations in exercise of the powers conferred by section 2(2) of that Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Social Security (Maternity Allowance) (Participating Wife or Civil Partner of Self-employed Earner) Regulations (Northern Ireland) 2014 and shall come into operation on 1st April 2014.

(2) Regulation 2 applies in relation to the payment of maternity allowance in cases where a woman's expected week of confinement (within the meaning of section 35 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**3**)) begins on or after 27th July 2014.

Amendment of the Social Security Contributions and Benefits (Northern Ireland) Act

2.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992 is amended in accordance with paragraphs (2) to (5).

(2) In section 21(1)(**4**) (contribution conditions) after "section 35" insert "or 35B".

(**1**) S.I. 1993/2661

(**2**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7)

(**3**) 1992 c. 7; section 35 was amended by Article 4(a) of the Still-Birth (Definition) (Northern Ireland) Order 1992 (S.I. 1992/1310 (N.I. 10)), regulation 2(3) of S.R. 1994 No. 176, Article 50(1) and (2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and paragraph 2 of Schedule 1 to the Social Security Act (Northern Ireland) 2002 (c. 10)

(**4**) Section 21(1) was amended by paragraph 3(2) of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), paragraphs 20 and 29(2) of Schedule 8 and paragraph 6 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(3) In section 35 (state maternity allowance)—

(a) in the heading after "allowance" insert "for employed or self-employed earner";

(b) in subsections (1), (2), (3)(a), (3)(b)(i) and (ii), (4) and (5) after "a maternity allowance" insert "under this section"; and

(c) in subsection (7) after "maternity allowance" insert "under this section".

(4) In section 35A(**5**) (appropriate weekly rate of maternity allowance) in the heading, after "allowance" insert "under section 35".

(5) After section 35A insert—

"**State maternity allowance for participating wife or civil partner of self-employed earner**

35B.—(1) A woman (W) shall be entitled to a maternity allowance under this section, at the weekly rate given by subsection (3), if—

(a) W has become pregnant and has reached, or been confined before reaching, the commencement of the 11th week before the expected week of confinement; and

(b) for any part of the week in the case of at least 26 of the 66 weeks immediately preceding the expected week of confinement, W has worked with a person (S) who at the time of her doing so—

(i) was her spouse or civil partner, and

(ii) was engaged in employment as a self-employed earner; and

(c) S is liable to pay a class 2 contribution in respect of the 26 weeks referred to in paragraph (1)(b); and

(d) W is not entitled to a maternity allowance under section 35, or statutory maternity pay, for the same week in respect of the same pregnancy.

(2) In this section—

(a) a reference to W working with S is a reference to W participating in the activities engaged in by S as a self-employed earner, performing the same tasks or ancillary tasks, without being employed by S or being in partnership with S; and

(b) a reference to W ceasing to work with S is a reference to W ceasing to do so either permanently or until after her confinement.

(3) The rate of allowance under this section for any particular week is 90 per cent. of the amount of the maternity allowance threshold for the tax year in which the week ends.

(4) Subject to subsections (10) and (11), a maternity allowance under this section shall be payable for the period of 14 weeks ("the 14-week period") beginning as set out in subsection (5), (6), (7) or (8) (whichever applies).

(5) If W ceases to work with S before the commencement of the 11th week before the expected week of confinement, the 14-week period begins with the commencement of the 11th week before the expected week of confinement.

(6) If W ceases to work with S on a day that falls within the period beginning with the commencement of the 11th week before the expected week of confinement and ending with the end of the 5th week before the expected week of confinement, the 14-week period begins immediately after that day.

(**5**) Section 35A was inserted by Article 50(3) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and amended by section 4(1) and paragraph 3 of Schedule 1 to the Social Security Act (Northern Ireland) 2002