1994 No. 191

SOCIAL SECURITY; STATUTORY MATERNITY PAY; STATUTORY SICK PAY

The Social Security Maternity Benefits, Statutory Maternity Pay and Statutory Sick Pay (Amendment) Regulations (Northern Ireland) 1994

Made	*20th May 1994*
Coming into operation . .	*11th June 1994*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 35(3)(*b*)(i) and (*c*), 119, 149(6), 160(4) and (9)(*e*), 161(1) and (3) and 162(3) of, and paragraph 1 of Schedule 11 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Social Security Maternity Benefits, Statutory Maternity Pay and Statutory Sick Pay (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 11th June 1994 and shall have effect immediately after the coming into operation of the Maternity Allowance and Statutory Maternity Pay Regulations (Northern Ireland) 1994(**b**).

Amendment of the Statutory Maternity Pay (General) Regulations

2.—(1) The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**c**) shall be amended in accordance with paragraphs (2) to (6) of this regulation.

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

(*a*) in paragraph (1)—

(i) for "Subject to paragraph (3)" there shall be substituted "Subject to paragraphs (3) to (5)", and

(ii) for "or the 6th week before the expected week of confinement" there shall be substituted "or the week immediately following the week in which she is confined";

(**a**) 1992 c. 7; sections 35, 161 and 162 were amended by regulations 2, 3 and 4 respectively of the Maternity Allowance and Statutory Maternity Pay Regulations (Northern Ireland) 1994 (S.R. 1994 No. 176)

(**b**) S.R. 1994 No. 176

(**c**) S.R. 1987 No. 30; relevant amending provisions are S.R. 1988 No. 128 and S.R. 1994 No. 74

(*b*) for paragraph (2) there shall be substituted the following paragraph—

"(2) The maternity pay period shall be a period of 18 consecutive weeks.";

(*c*) in paragraph (3)(*b*) the words "but before the 6th week" shall be omitted; and

(*d*) after paragraph (3) there shall be added the following paragraphs—

"(4) Subject to paragraph (5), where a woman is absent from work wholly or partly because of pregnancy or confinement on any day which falls on or after the beginning of the 6th week before the expected week of confinement, but not later than the week immediately following the week in which she is confined, the first week of her maternity pay period shall be the week which includes that day.

(5) Where—

(*a*) a woman is employed by an employer who is liable to pay her statutory maternity pay;

(*b*) she is absent from work wholly or partly because of pregnancy or confinement on any day which falls on or after the beginning of the 6th week before the expected week of confinement but not later than the week immediately following the week in which she is confined; and

(*c*) she has worked for that employer or is entitled to statutory sick pay on any day which falls on or after the start of the week in which the absence mentioned in sub-paragraph (*b*) falls,

the first week of her maternity pay period shall be the week next following that day.".

(3) In regulation 4 (modification of entitlement provisions)—

(*a*) paragraph (1) shall be omitted;

(*b*) in paragraph (2)—

(i) for "Article 47(2)(*a*) and (*b*) of the 1986 Order" there shall be substituted "section 160(2)(*a*) and (*b*) of the Contributions and Benefits Act", and

(ii) in sub-paragraph (*b*) for "section 4(1)(*a*) of the Act" there shall be substituted "section 5(1)(*a*) of the Contributions and Benefits Act"; and

(*c*) for paragraph (3) there shall be substituted the following paragraph—

"(3) In relation to a woman to whom paragraph (2) applies, section 162 of the Contributions and Benefits Act shall be modified so that subsection (2) has effect as if the reference to the period of 8 weeks immediately preceding the 14th week before the expected week of confinement was a reference to the period of 8 weeks immediately preceding the week in which her confinement occurred.".

(4) In regulation 6 (lower rate of statutory maternity pay) for "£48·80" there shall be substituted "£52·50".

(5) In regulation 21 (normal weekly earnings)—

(*a*) in paragraph (1) for "Part VI of the 1986 Order" there shall be substituted "Part XII of the Contributions and Benefits Act";

(*b*) in paragraph (2) in the definition of "the appropriate date" the words after "whichever is the earlier" shall be omitted; and

(*c*) in paragraph (3) for "Article 51(3) of the 1986 Order" there shall be substituted "section 167(4) of the Contributions and Benefits Act".

(6) In regulation 23 (notice of absence from work)—

(*a*) in paragraph (2) for "Article 47(4) of the 1986 Order" there shall be substituted "section 160(4) of the Contributions and Benefits Act"; and

(*b*) for paragraphs (4) and (5) there shall be substituted the following paragraphs—

"(4) Subject to paragraph (5), section 160(4) of the Contributions and Benefits Act 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 15th week before the expected week of confinement for a reason wholly unconnected with her pregnancy.

(5) A woman who is exempted from section 160(4) of the Contributions and Benefits Act by paragraph (4) but who is confined before the 11th week before the expected week of confinement shall only be entitled to statutory maternity pay if she gives the person who will be liable to pay it notice specifying the date she was confined.".

Amendment of the Social Security (Maternity Allowance) Regulations

3.—(1) Regulation 3 of the Social Security (Maternity Allowance) Regulations (Northern Ireland) 1987(**a**) (modification of the maternity allowance period) shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) After paragraph (2) there shall be inserted the following paragraph—

"(2A) In relation to a woman who—

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

(*b*) subsequently becomes entitled to maternity allowance before being confined; and

(*c*) has stopped work,

the maternity allowance period shall be a period of 18 weeks commencing with the week following that in which she stopped work.".

(**a**) S.R. 1987 No. 170