STATUTORY RULES OF NORTHERN IRELAND

1994 No. 176

EUROPEAN COMMUNITIES SOCIAL SECURITY

The Maternity Allowance and Statutory Maternity Pay Regulations (Northern Ireland) 1994

Made - - - - 4th May 1994
Coming into operation in accordance with regulation 1(2) and (3)

The Department of Health and Social Services, being a department 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, in exercise of the powers conferred by that section 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 Maternity Allowance and Statutory Maternity Pay Regulations (Northern Ireland) 1994.

(2) These Regulations, except regulation 5, shall have effect in any case where the expected week of confinement begins on or after 16th October 1994.

(3) Regulation 5 shall have effect in relation to payments of statutory maternity pay due on or after 4th September 1994.

(4) In this regulation "week" has the same meaning as in Part XII of the Contributions and Benefits Act.

(5) In these Regulations "the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**3**).

Rate of, and conditions of entitlement to, maternity allowance

2. –

(**1**) S.I.1993/2661.
(**2**) 1972 c. 68.
(**3**) 1992 c. 7.

(1) In section 35 of the Contributions and Benefits Act (state maternity allowance), in subsection (1)–

(a) for "the weekly rate specified in Schedule 4, Part I, paragrapg (4)" there is substituted "the appropriate weekly rate determined under subsection (1A) below"; and

(b) in paragraph (b) (employment condition) for "52 weeks immediately preceding the 14th week before" there is substituted "66 weeks immediately preceding".

(2) After that subsection there is inserted–

"(1A) For the purposes of subsection (1) above the appropriate weekly rate is–

(a) in the case of a woman who is engaged in employment as an employed earner in the week immediately preceding the 14th week before the expected week of confinement, a weekly rate equal to the lower rate of statutory maternity pay for the time being prescribed under section 162(3) below or the weekly rate specified in Schedule 4, Part I, paragraph 4, whichever is the higher; and

(b) in any other case, the weekly rate specified in Schedule 4, Part I, paragraph 4.".

(3) At the end of subsection (3) of that section there is added–

"(c) that subsection (2) above shall have effect subject to prescribed modifications in relation to cases in which a woman fails to satisfy the conditions referred to in subsection (1)(b) and (c) above at the commencement of the 11th week before the expected week of confinement, but subsequently satisfies those conditions at any time before she is confined.".

(4) In Schedule 3 to the Contributions and Benefits Act, in paragraph 3 of Part I (contribution condition for maternity allowance) in sub-paragraph (1)(a) for "52 weeks immediately preceding the 14th week before" there is substituted "66 weeks immediately preceding".

Beginning of maternity pay period

3. –

(1) Section 161 of the Contributions and Benefits Act (the maternity pay period) is amended as follows.

(2) In subsection (3) (power to prescribe cases in which the first week of the maternity pay period is to be later than the 11th week before the expected week of confinement), for "the 6th week before the expected week of confinement" there is substituted "the week immediately following the week in which she is confined".

(3) In subsection (7) (section to have effect subject to prescribed modifications in certain cases), in paragraph (b)(i), for "during the period beginning with the 11th week, and ending with the 7th week" there is substituted "at any after the end of the week immediately preceding the 11th week".

Rates of payment of statutory maternity pay

4. –

(1) Section 162 of the Contributions and Benefits Act (rates of payment of statutory maternity pay) is amended as follows.

(2) At the end of subsection (3) there is added "which must not be less than the weekly rate of statutory sick pay for the time being specified in section 153(1) above or, if two or more such rates are for the time being so specified, the higher or highest of those rates.".

(3) For subsection (4) there is substituted–

"(4) Statutory maternity pay shall be payable to a woman–