1987 No. 171

STATUTORY MATERNITY PAY

The Statutory Maternity Pay (Persons Abroad and Mariners) Regulations (Northern Ireland) 1987

Made	*3rd April 1987*
Coming into operation . .	*6th April 1987*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 80(1) of the Social Security (Northern Ireland) Order 1986(**a**) 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 (Persons Abroad and Mariners) Regulations (Northern Ireland) 1987 and shall come into operation on 6th April 1987.

(2) In these regulations—

"the Order" means the Social Security (Northern Ireland) Order 1986;

"Part VI" means Part VI of the Order;

"the General Regulations" means the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**b**),

and other expressions have the same meanings as in Part VI.

Persons in other member States — meaning of "employee"

2. Subject to regulation 3, a woman who is—

(*a*) gainfully employed in a member State other than the United Kingdom in such circumstances that if her employment were in Northern Ireland she would be an employee for the purposes of Part VI or a woman treated as such an employee under regulation 17 of the General Regulations; and

(*b*) subject to the legislation of the United Kingdom under Council Regulation (EEC) No. 1408/71(**c**),

notwithstanding that she is not employed in Northern Ireland, shall be treated as an employee for the purposes of Part VI.

Meaning of "employee" — general

3. No woman who, by virtue of regulation 17 of the General Regulations, would be treated as not being an employee for the purposes of Part VI if her

(a) S.I. 1986/1888 (N.I. 18)
(b) S.R. 1987 No. 30
(c) O.J. No. L230, 22.8.83

employment were in Northern Ireland, shall be treated as an employee by virtue of these regulations.

Women outside the European Community

4.—(1) Notwithstanding the provisions of Article 47(1) of the Order, no liability to make payments of statutory maternity pay to a woman shall arise in respect of any week within the maternity pay period for any part of which she is not present in any member State, or any subsequent week within that period.

(2) A woman shall be treated for the purposes of paragraph (1) as present in a member State while she is in transit between two such States.

Women who worked in the European Community

5.—(1) A woman who is an employee or treated as an employee under regulation 2 and who—

(*a*) in the week immediately preceding the 14th week before the expected week of confinement was in employed earner's employment with an employer in Northern Ireland, and

(*b*) had in any week within the period of 2 years immediately preceding that week been employed by the same employer in a member State other than the United Kingdom,

shall be treated for the purposes of Articles 47(2) and 49 of the Order as having been employed in employed earner's employment in those weeks in which she was so employed in that member State.

(2) In relation to a woman to whom Article 49(5) of the Order refers (higher rate for woman normally employed 8 hours a week or more for the last 5 years), a reference to 5 years shall be substituted for the reference to 2 years in paragraph (1)(*b*).

Time for compliance with Part VI and regulations

6. Where—

(*a*) a woman is outside the United Kingdom;

(*b*) Part VI or regulations made under the Order or under Part III of the Social Security (Northern Ireland) Act 1975(**a**) require any act to be done forthwith or on the happening of a certain event or within a specified time; and

(*c*) because the woman is outside the United Kingdom she or her employer cannot comply with the requirement,

the woman or the employer, as the case may be, shall be deemed to have complied with it if the act is performed as soon as reasonably practicable.

Mariners

7.—(1) In this regulation "foreign-going ship", "home-trade ship" and "mariner" have the same meanings as in Case B of Part VIII of the Social

(a) 1975 c. 15; sections 100 and 101, as amended by paragraphs 5 and 6 of Schedule 5 to the Social Security (Northern Ireland) Order 1986 and extended to statutory maternity pay by Article 53(3), (6) and (7) of that Order provide for the time for making appeals and applications to be prescribed by regulations