1987 No. 170

SOCIAL SECURITY

The Social Security (Maternity Allowance) Regulations (Northern Ireland) 1987

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

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 22(3) of the Social Security (Northern Ireland) Act 1975(**a**) and Article 84(1) of the Social Security (Northern Ireland) Order 1986(**b**) and, as regards the revocations and consequential amendment in the Schedule, the powers specified in the Schedule, 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 Social Security (Maternity Allowance) Regulations (Northern Ireland) 1987 and shall come into operation on 6th April 1987.

(2) In these regulations "the Act" means the Social Security (Northern Ireland) Act 1975.

(3) Unless the context otherwise requires, any reference in these regulations—

(*a*) to a numbered paragraph is a reference to the paragraph bearing that number in that regulation; and

(*b*) to a Schedule is to the Schedule to these regulations.

(4) The Interpretation Act 1978(**c**) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

Disqualification for the receipt of a maternity allowance

2. A woman shall be disqualified for receiving a maternity allowance if—

(*a*) during the maternity allowance period she does any work in employment as an employed or self-employed earner, and the disqualification shall be for such part of the maternity allowance period (but for not less than the number of days on which she so worked) as may be reasonable in the circumstances;

(*b*) during the maternity allowance period she fails without good cause to observe the following rules of behaviour, namely, to take due care of

(a) 1975 c. 15; section 22 is substituted, with effect from 6th April 1987, by paragraph 13 of Schedule 4 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))
(b) S.I. 1986/1888 (N.I. 18)
(c) 1978 c. 30

her health and to answer reasonable enquiries (not being enquiries relating to medical examination, treatment or advice), by the Department or its officers directed to ascertaining whether she is doing so, and such disqualification shall be for such part of the maternity allowance period as may be reasonable in the circumstances; or

(*c*) at any time before she is confined she fails without good cause to attend for, or to submit herself to, any medical examination for which she was given at least 3 days notice in writing by or on behalf of the Department, and such disqualification shall be for such part of the maternity allowance period (being a part beginning not earlier than the day on which the failure occurs) as may be reasonable in the circumstances, except that in the event of her being confined after such failure she shall not by reason of such failure be so disqualified for the day on which the confinement occurs or any day thereafter.

Modification of the maternity allowance period

3.—(1) Section 22(2) of the Act (which relates to the maternity allowance period) shall be modified in accordance with paragraphs (2) to (6).

(2) In relation to a woman who was confined more than 11 weeks before the expected week of confinement the maternity allowance period shall be a period of 18 weeks commencing with the week immediately following the week in which she was confined, whether or not she made a claim for maternity allowance in expectation of that confinement.

(3) In relation to a woman who—

(*a*) was not engaged in employment as an employed or self-employed earner at the commencement of the 11th week before the expected week of confinement,

(*b*) was confined without having made a claim for maternity allowance in expectation of that confinement, and

(*c*) the confinement was not before the 11th week before the expected week of confinement,

the maternity allowance period shall be a period not exceeding 18 weeks commencing, subject to paragraph (5), with the week immediately following the week in which she was confined and ending not later than the end of the 6th week following the expected week of confinement.

(4) In relation to a woman who—

(*a*) was engaged in employment as an employed or self-employed earner at the commencement of the 11th week before the expected week of confinement,

(*b*) was confined without having made a claim for maternity allowance in expectation of that confinement, and

(*c*) the confinement was not before the 11th week before the expected week of confinement,

the maternity allowance period shall be a period not exceeding 18 weeks commencing, subject to paragraph (5), with the week immediately following the week in which she was confined and ending—

(i) at the end of the 18th week following the week in which she ceased employment, or

(ii) with the end of the 11th week after the expected week of confinement,

whichever is the earlier.

(5) In relation to a woman to whom paragraph (3) or (4) refers, the maternity allowance period may commence with the beginning of a week, being not earlier than the 11th week before the expected week of confinement, which falls wholly within a period ending with the day immediately preceding the confinement throughout which she shows—

(*a*) she was not engaged in employment as an employed or self-employed earner, and

(*b*) had good cause for her failure to make a claim in expectation of her confinement.

(6) The maternity allowance period shall not by virtue of paragraph (5) exceed 18 weeks.

Revocations and consequential amendments

4.—(1) Subject to paragraph (2)—

(*a*) the regulations specified in column (1) of Part I of the Schedule are revoked to the extent specified in column (2) of that Part; and

(*b*) the regulations specified in column (1) of Part II of the Schedule are amended to the extent specified in column (2) of that Part.

(2) The regulations revoked by virtue of paragraph (1)(*a*) and those amended by virtue of paragraph (1)(*b*) shall nevertheless continue in operation in their existing form in relation to a woman whose entitlement to a maternity allowance after 5th April 1987 arises otherwise than under section 22 of the Act as substituted by paragraph 13 of Schedule 4 to the Social Security (Northern Ireland) Order 1986.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd April 1987.

(L.S.) *A. N. Burns*
Assistant Secretary