1987 No. 151

SOCIAL SECURITY

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

Made	*31st March 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 126 of the Social Security (Northern Ireland) Act 1975(**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 Social Security (Maternity Allowance) (Work Abroad) 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;

"the Contributions Regulations" means the Social Security (Contributions) Regulations (Northern Ireland) 1979(**b**);

"reduced rate" means the rate specified in regulation 102 of the Contributions Regulations.

Special provision for certain persons who have been employed abroad

2.—(1) This regulation applies, subject to paragraph (5), for the purpose of determining entitlement to a maternity allowance in respect of a woman who—

(*a*) has been about from Northern Ireland;

(*b*) has returned to Northern Ireland; and

(*c*) throughout the whole period of her absence was ordinarily resident in Northern Ireland.

(2) Where a woman has paid Class 1 contributions under the Act otherwise than at the reduced rate either—

(*a*) to the full extent of her liability under regulation 112 of the Contributions Regulations; or

(*b*) in respect of the first 52 weeks of her employment abroad by virtue of either—

(**a**) 1975 c. 15

(**b**) S.R. 1979 No. 186; the relevant amending regulations are S.R. 1982 No. 408

(i) an Order in Council made under section 134 of the Act(**a**) (reciprocity with countries outside the United Kingdom) or an order made by the Secretary of State under that section, or

(ii) Council Regulation No. 1408/71 EEC(**b**) (application of social security schemes to employed persons and their families moving within the Community),

and employment by reference to which the liability arose continued throughout the first 52 weeks after the commencement of that liability, she shall be treated for any week in which she was in fact engaged in gainful employment as having been engaged in employment as an employed earner and as having actually paid Class 1 contributions for any weeks following the end of that period of liability and before the date of her return to Northern Ireland so far as those weeks are relevant to her claim for a maternity allowance.

(3) Where—

(*a*) a woman would have been liable to pay Class 1 contributions, otherwise than at the reduced rate, under regulation 112 of the Contributions Regulations but for the provisions of an Order in Council made under section 134 of the Act or an order made by the Secretary of State under that section;

(*b*) in relation to her case that Order in Council or order does not provide for periods of insurance, employment or residence in the other country to which that Order in Council or order relates to be taken into account in determining entitlement to benefit; and

(*c*) the employment by reference to which she would have been liable under regulation 112 of the Contributions Regulations continued throughout the first 52 weeks,

she shall be treated for any week during her absence in which she was in fact engaged in gainful employment as having been engaged in employment as an employed earner and as having actually paid Class 1 contributions for each week of her absence.

(4) Where—

(*a*) a woman would have been liable to pay Class 1 contributions, otherwise than at the reduced rate, under regulation 112 of the Contributions Regulations but for the provisions of an Order in Council made under section 134 of the Act or an order made by the Secretary of State under that section or Council Regulation No. 1408/71/EEC;

(*b*) the employment by reference to which she would have been liable under regulation 112 of the Contributions Regulations continued throughout the first 52 weeks from the time the liability would have commenced; and

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(**a**) Section 134 was amended by paragraph 33 of Schedule 5 to the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)), section 20(3) of the Social Security (Miscellaneous Provisions) Act 1977 (c. 5) and Article 7(1) of the Social Security (Northern Ireland) Order 1981 (S.I. 1981/1118 (N.I. 25))

(**b**) O.J. No. L230, 22.8.83