1981 No. 278

SOCIAL SECURITY

The Social Security (Maternity Grant) Regulations (Northern Ireland) 1981

Made	*14th August 1981*
Coming into operation . . .	*1st April 1982*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 21(1), (3) and (5), 82(5)(*a*) and 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 which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**b**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation and commencement

1. These regulations may be cited as the Social Security (Maternity Grant) Regulations (Northern Ireland) 1981 and shall come into operation on 1st April 1982.

Amendment of the Social Security (Maternity Benefit) Regulations (Northern Ireland) 1975

2.—(1) The Social Security (Maternity Benefit) Regulations (Northern Ireland) 1975(**c**) shall be amended in accordance with the following provisions.

(2) Regulation 1(2) (interpretation) shall be amended by inserting the following definitions—

""child benefit" means benefit under Part II of the Child Benefit (Northern Ireland) Order 1975(**d**);

"qualifying period" has the meaning assigned to it in regulation 3B;

"serving member of the forces" has the same meaning as in regulation 1(2) of the Social Security (Contributions) Regulations 1979(**e**) except that it does not include—

(*a*) a member of any territorial or reserve force mentioned in Part I of Schedule 3 to those regulations who is not undergoing training or instruction as such a member for a continuous period exceeding 72 consecutive hours, or

(*b*) a member of the Ulster Defence Regiment who is neither serving also as a member of any of the regular naval, military or air forces of the Crown, nor on the full-time permanent staff of that regiment, nor serving or undergoing training or instruction in that regiment for a continuous period exceeding 72 consecutive hours;".

(**a**) 1975 c. 15; subsections (1) and (5) of section 21 were amended by Article 6(1) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))
(**b**) 1980 c. 30
(**c**) S.R. 1975 No. 107, as amended by S.R. 1977 No. 280
(**d**) S.I. 1975/1504 (N.I. 16)
(**e**) S.I. 1979/591, as amended by S.I. 1980/1975

(3) After paragraph (2) of regulation 1 the following paragraph shall be inserted—

"(2A) For the purposes of regulations 3, 3A and 3B if, at the beginning of any day, a woman is either present in or absent from Northern Ireland, that state of affairs shall be treated as continuing throughout that day.".

(4) In regulation 3 (maternity grant in expectation of confinement) for the word "then—" and paragraphs (*a*) and (*b*) there shall be substituted—

"then that section shall so apply to her in relation to that claim and

(*a*) where the expected week of confinement ends on or before 3rd July 1982, the contribution conditions for a maternity grant as set out in paragraph 2 of Schedule 3 shall apply in her case as if, for sub-paragraph (4)(*a*) of that paragraph, there were substituted the following—

'(*a*) 'the relevant time' is the beginning of the week in which it is to be expected that the claimant will be confined or, where the relevant person is the husband and he was dead or over pensionable age when the claim was made, the date of his attaining pensionable age or dying under that age;';

(*b*) where the expected week of confinement begins on or after 4th July 1982 the prescribed conditions as to presence in Northern Ireland shall be that:

(i) she must have been present in Northern Ireland for a period of, or periods amounting in aggregate to, more than 182 days in the 52 weeks immediately preceding the expected week of confinement, and

(ii) she must be present in Northern Ireland on the date of her claim;

(*c*) any qualifying period or periods may be included as part of the total of more than 182 days referred to in paragraph (*b*)(i);

(*d*) paragraph (*b*)(ii) shall not apply to a woman who, at the date of claim, is a serving member of the forces or who is the wife of a serving member of the forces and is residing with him.".

(5) After regulation 3 there shall be inserted the following regulations—

"*Maternity grant after confinement*

3A.—(1) The prescribed condition as to presence in Northern Ireland to be satisfied by a woman for the purposes of section 21(1), where a claim for maternity grant is made after confinement and the date of confinement is on or after 4th July 1982, shall be that she must have been present in Northern Ireland for a period of, or periods amounting in aggregate to, more than 182 days in the 52 weeks immediately preceding the date of confinement.

(2) Any qualifying period or periods may be included as part of the total of more than 182 days referred to in paragraph (1).

Temporary absences from Northern Ireland

3B. A qualifying period shall mean any day or days during which a woman is temporarily absent from Northern Ireland during the 52 weeks referred to in regulations 3(*b*)(i) and 3A(1) where—

(*a*) that day or those days form part of any week or weeks for which she is entitled to child benefit; or

(*b*) her absence is due to her own employment or, where she is residing with him, her husband's employment and either Class 1 contributions are payable in respect of that employment, or the employment for the first 52 weeks of absence was treated as employed earner's employment by virtue of regulation 112 of the Social Security (Contributions) Regulations (Northern Ireland) 1979(**a**); or

(a) S.R. 1979 No. 186