

1977 No. 55

INDUSTRIAL RELATIONS**Maternity Pay (Rebate) Regulations (Northern Ireland) 1977***Made* 4th March 1977*Coming into operation* 6th April 1977

The Department of Manpower Services, in exercise of the powers conferred on it by Article 22(4) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(a) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Maternity Pay (Rebate) Regulations (Northern Ireland) 1977 and shall come into operation on 6th April 1977.

Interpretation

2. In these Regulations—

“appropriate office” means an appropriate office of the Department;

“Department” means the Department of Manpower Services;

“maternity pay period” means the first weeks of absence, not exceeding six, wholly or partly because of pregnancy starting on or falling after the beginning of the 11th week before the expected date of confinement, being weeks in respect of which the payment was made;

“the Order” means the Industrial Relations (No. 2) (Northern Ireland) Order 1976;

“the payment” means the payment of maternity pay made by the employer to the employee under Article 16(1) of the Order;

“rebate” has the same meaning as in Article 22 of the Order.

Claim for rebate

3. A claim for rebate shall be made in writing at an appropriate office before the expiration of the period of 6 months beginning with the day on which the payment, or, where there was more than one payment, the final payment, is made or within such further period as the Department may in any particular case or class of cases allow.

Particulars to be included in claim

4.—(1) The written claim required by Regulation 3 shall contain the following particulars in so far as they are within the knowledge of the employer, and if in the case of any of the particulars the required information is not known or not completely known to the employer that fact shall be so stated, that is to say—

(a) the employee’s name and address;

(b) the employee’s national insurance number;

- (c) the employee's income tax reference number;
- (d) the date on which the employee began her current period of continuous employment and the place of her employment;
- (e) the employee's expected date of confinement as notified to the employer;
- (f) the date on which the maternity pay period began, or where there is more than one such period, the date on which each period began;
- (g) if the employee's employment ceased before the maternity pay period began, the reason for, and the date of, the cessation;
- (h) the amount of a week's pay calculated in accordance with Schedule 2 to the Industrial Relations (Northern Ireland) Order 1976(b);
- (i) the gross amount of maternity pay to which the employee is entitled as respects any week calculated in accordance with Article 17 of the Order;
- (j) any amount of any tax, primary Class I contributions under the Social Security (Northern Ireland) Act 1975(c) and voluntary deductions which fall to be deducted from the amount specified under sub-paragraph (i);
- (k) the length of the maternity pay period;
- (l) the amount of maternity pay paid to the employee;
- (m) any amount of secondary Class I contributions under the Social Security (Northern Ireland) Act 1975 in respect of the amount specified under sub-paragraph (i);
- (n) the amount claimed by the employer;
- (o) the date on which payment, or, where there was more than one payment, the final payment, of maternity pay was made by the employer.

(2) In this Regulation the expression "within the knowledge of the employer" means "within the knowledge or means of knowledge of the employer or of his servants or agents" and the expression "known or completely known" shall be construed accordingly.

Provision of evidence

5.—(1) Every person who makes a claim for rebate shall provide such evidence and such other information and produce for examination on behalf of the Department such documents in his custody or under his control as the Department may require being evidence, information and documents necessary to determine the right of that person to, or the amount of, the rebate.

(2) Unless in any particular case or class of cases the Department dispenses with this requirement, every claim for a rebate shall be accompanied by a receipt signed by the employee concerned evidencing the payment by the employer to that employee of the maternity pay to which the claim relates.

Amendment of claim form

6.—(1) This Regulation applies to claims for rebates made within the time prescribed by Regulation 3 which specify the employee or employees to which they relate but which for want of a signature or any other reason are incomplete or defective.

(2) Where a claim to which this Regulation applies is made in an amended form—

- (a) within four weeks of being referred back to the employer by the Department, or
- (b) before the expiration of four weeks from the time prescribed by Regulation 3;

the amended claim if made at the same appropriate office as the original claim shall be treated as having been made in the first instance.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 4th March 1977.

(L.S.)

J. S. Crozier
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the manner and time in which employers are required to claim from the Department the rebates to which they are entitled in respect of payments of maternity pay made by them.