

1992 No. 17

## STATUTORY MATERNITY PAY

**The Statutory Maternity Pay (Health and Social Services Employees) Regulations (Northern Ireland) 1992**

*Made* . . . . . 14th January 1992

*Coming into operation* . . . . . 1st April 1992

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 51(2A) 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 (Health and Social Services Employees) Regulations (Northern Ireland) 1992 and shall come into operation on 1st April 1992.

(2) In these regulations—

“the 1986 Order” means the Social Security (Northern Ireland) Order 1986;

“Health and Social Services Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(b).

*Treatment of more than one contract of service as one contract*

2.—(1) Where, in consequence of the establishment of one or more Health and Social Services trusts under the Health and Personal Social Services (Northern Ireland) Order 1991(c), a woman’s contract of service is treated by a scheme under that Order as divided so as to constitute two or more contracts, she may elect for all of those contracts to be treated as one contract for the purposes of Part VI of the 1986 Order.

(2) An election under paragraph (1) shall be made in writing at least 21 days before the first day on which a woman is going to be absent from work with any of her employers, wholly or partly because of pregnancy, or if in the particular circumstances that is not practicable, as soon as is reasonably practicable thereafter.

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(a) S.I. 1986/1888 (N.I. 18); Article 51(2A) was inserted by Part II of Schedule 5 to the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1))  
(b) S.I. 1972/1265 (N.I. 14)  
(c) S.I. 1991/194 (N.I. 1)

*Notification of election*

3. A woman who makes an election under regulation 2 shall give written notification of that election to each of her employers under the two or more contracts of service mentioned in that regulation.

*Provision of information by employees*

4. A woman who makes an election under regulation 2 shall, before the first day on which she is going to be absent from work with any of her employers, wholly or partly because of pregnancy, or if in the particular circumstances that is not practicable, as soon as is reasonably practicable thereafter, provide each of her employers under the two or more contracts of service mentioned in that regulation with the following information—

- (a) the name and address of each of her employers;
- (b) the date on which her employment with each of those employers commenced; and
- (c) details of her earnings from each employer during the relevant period; and for this purpose “earnings” and “relevant period” have the same meanings as they have for the purposes of Article 51(3) of the 1986 Order(a).

*Treatment of two or more employers as one*

5. The employer to be regarded for the purposes of statutory maternity pay as the employee’s employer under the one contract where two or more contracts of service are treated as one in accordance with regulation 2, shall be—

- (a) the Health and Social Services Board, in a case where any one of the employee’s contracts of service is with the Health and Social Services Board; or
- (b) the first Health and Social Services trust to which a contract of service is transferred in a case where none of the employee’s contracts of service are with the Health and Social Services Board.

*Time for which an election is to have effect*

6. An election made under regulation 2 shall lapse at the end of the maternity pay period.

Sealed with the Official Seal of the Department of Health and Social Services on 14th January 1992.

(L.S.)

A. N. Burns

Assistant Secretary

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(a) See also Article 51(4) of the Social Security (Northern Ireland) Order 1986 and regulations 20 and 21 of S.R. 1987 No. 30 to which the relevant amending regulations are S.R. 1990 No. 112

*(This note is not part of the Regulations.)*

These regulations come into operation on 1st April 1992 and are consequential upon the coming into operation of the Health and Personal Social Services (Northern Ireland) Order 1991 ("the 1991 Order") which amends the Social Security (Northern Ireland) Order 1986 in relation to statutory maternity pay for Health and Social Services staff with divided contracts of service.

Regulation 2 provides for employees, whose contract of service has been divided into two or more such contracts with different bodies as a consequence of the 1991 Order, to elect to have those contracts treated as one contract for the purpose of entitlement to statutory maternity pay and sets out the manner in which, and the time within which, such an election is to be made.

Regulation 3 provides for the manner in which notification of such an election is to be made.

Regulation 4 makes provision for the information that is to be provided by a woman to her employers.

Regulation 5 provides for one of a woman's employers under the two or more contracts to be regarded, for the purposes of statutory maternity pay, as her employer under the one contract.

Regulation 6 provides for the time for which an election is to have effect.

The regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.