
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987 (“the principal Regulations”).

Regulation 2 amends regulation 21 of the principal Regulations to include in the calculation of normal weekly earnings any sum payable in respect of a relevant period by virtue of a back-dated pay increase received after that period.

Regulation 3 inserts a new regulation 21B into the principal Regulations. This regulation provides that, where a woman is receiving maternity allowance and entitled to statutory maternity pay due to receiving a back-dated pay increase, her employer is only liable to pay statutory maternity pay equal to the amount by which the rate of statutory maternity pay exceeds the rate of maternity allowance received by her.

The Regulations correspond 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.