

2000 No. 324

SOCIAL SECURITY

STATUTORY MATERNITY PAY

The Statutory Maternity Pay (General) (Modification and Amendment) Regulations (Northern Ireland) 2000

Made 26th October 2000

Coming into operation 17th November 2000

The Department for Social Development, in exercise of the powers conferred by sections 160(4), (9)(e) and (10), 161(1) and (3) and 171(1) to (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and now vested in it(b), 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 (General) (Modification and Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 17th November 2000.

(2) In these Regulations—

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“the Statutory Maternity Pay Regulations” means the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(c).

(3) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Assembly.

Modification of section 160(2)(a) of the Contributions and Benefits Act

2. Subject to regulation 4, in relation to a woman who is dismissed, or whose employment is otherwise terminated without her consent, after the beginning of the week immediately preceding the 14th week before the expected week of confinement, section 160(2)(a) of the Contributions and Benefits Act (conditions of entitlement to statutory maternity pay) shall have effect with the omission of the words “, wholly or partly because of pregnancy or confinement”.

(a) 1992 c. 7; sections 160(10) and 161(3) were amended by regulation 6(1) and 3(2) respectively of S.R. 1994 No. 176 and section 171(2) was amended by paragraph 28(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.R. 1987 No. 30; relevant amending regulations are S.R. 1994 No. 191

(d) 1954 c. 33 (N.I.)

Amendment of the Statutory Maternity Pay Regulations

3.—(1) Subject to regulation 4, the Statutory Maternity Pay Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(a) (the maternity pay period)—

(a) in paragraph (1) for “Subject to paragraphs (3) to (5)” there shall be substituted “Subject to paragraphs (3) to (6)”;

(b) in paragraph (4)(b) for “Subject to paragraph (5)” there shall be substituted “Subject to paragraphs (5) and (6)”; and

(c) after paragraph (5) there shall be added the following paragraph—

“(6) Where a woman is dismissed, or her employment is otherwise terminated without her consent, before the maternity pay period has started, but after the beginning of the 11th week before the expected week of confinement and not later than the week immediately following the week in which she is confined, the first week of the maternity pay period shall be the week after the week in which her employment ends.”.

(3) In regulation 23(c) (notice of absence from work) for paragraph (4) there shall be substituted the following paragraph—

“(4) Subject to paragraph (5), section 160(4) of the Contributions and Benefits Act (entitlement to statutory maternity pay dependent on notice to employer) shall not apply to a woman who leaves her employment with the person who will be liable to pay her statutory maternity pay after the beginning of the week immediately preceding the 14th week before the expected week of confinement, if she leaves because she is dismissed or if her employment is otherwise terminated without her consent.”.

Transitional provision

4. In relation to a woman whose expected week of confinement begins before 4th March 2001, the Contributions and Benefits Act and the Statutory Maternity Pay Regulations shall have effect as if these Regulations had not been made.

Revocation

5. Regulation 2(2)(a)(i) of the Social Security Maternity Benefits, Statutory Maternity Pay and Statutory Sick Pay (Amendment) Regulations (Northern Ireland) 1994(d) is hereby revoked.

(a) Regulation 2 was amended by regulation 2(2) of S.R. 1994 No. 191

(b) Paragraphs (4) and (5) were added by regulation 2(2)(d) of S.R. 1994 No. 191

(c) Regulation 23 was amended by regulation 2(6) of S.R. 1994 No. 191

(d) S.R. 1994 No. 191; to which there are amendments not relevant to these regulations

Sealed with the Official Seal of the Department for Social Development
on 26th October 2000.

(L.S.)

John O'Neill

Senior Officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations modify the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (“the Act”) as it relates to the conditions of entitlement to statutory maternity pay and further amend the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987 (“the Statutory Maternity Pay Regulations”).

Regulation 2 modifies section 160(2)(a) of the Act in relation to certain women who are dismissed or whose employment is otherwise terminated without consent.

Regulation 3 amends regulation 2 of the Statutory Maternity Pay Regulations, in relation to women who are dismissed or whose employment is otherwise terminated without consent, to prescribe the first week of the maternity pay period, and makes consequential amendments. It also amends regulation 23 of the Statutory Maternity Pay Regulations to provide that section 160(4) of the Act (which requires a woman to give notice that she is going to be absent from work wholly or partly because of pregnancy) shall not apply.

Regulation 4 provides that the provisions of regulations 2 and 3 shall not apply to women whose expected date of confinement falls before 4th March 2001.

Regulation 5 contains a consequential revocation.

These 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.

Copies of the Regulatory Impact Assessment in respect of these Regulations may be obtained, free of charge, from Social Security Policy and Legislation Division, Room D3, Castle Buildings, Stormont, Belfast BT4 3SQ.

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