
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979 (“the Overlapping Benefits Regulations”), the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987 (“the Statutory Maternity Pay Regulations”) and the Social Security (Maternity Allowance) Regulations (Northern Ireland) 1987 (“the Maternity Allowance Regulations”).

Regulation 2 amends the Overlapping Benefits Regulations to provide for adjustments of all benefits at a rate of one seventh of the appropriate weekly rate for each day of the week.

Regulation 3 amends the Statutory Maternity Pay Regulations to—

provide for a woman’s maternity pay period (“MPP”) to begin in accordance with a notice to her employer stating the day she expects his liability to pay her statutory maternity pay (“SMP”) to begin, if that day is 11 weeks or less before her expected week of confinement (“EWC”) and not later than the day after she gives birth;

establish that the MPP is 39 consecutive weeks;

provide for a woman’s MPP to begin the day after she gives birth if that day is before the 11th week before her EWC or, if it is after the 12th week before her EWC and she gives birth before the day specified in a notice to her employer stating the day she expects his liability to pay her SMP to begin;

provide for a woman’s MPP to begin the day after her absence from work where she is absent because of pregnancy or confinement on a day four weeks or less before her EWC and before her actual confinement;

provide for a woman’s MPP to begin the day after she leaves her employment where she leaves 11 weeks or less before her EWC, before the start of the MPP and before her actual confinement;

provide for SMP to continue to be paid where a woman works for her employer for not more than 10 days within her MPP; and

allow payments of SMP for a week or part of a week to be rounded up to the next penny.

Regulation 4 amends the Maternity Allowance Regulations to—

provide for a woman to be subject to disqualification from maternity allowance if she works as an employed or self-employed earner for more than 10 days in the maternity allowance period (“MAP”); and

extend the MAP to 39 weeks and to allow the MAP to commence no earlier than the day a woman becomes entitled to maternity allowance and no later than the day after which she is confined in specified circumstances.

Regulation 5 makes consequential revocations.

Article 63 of the Social Security (Northern Ireland) Order 1998, by virtue of, or consequential upon, which regulation 2 is made, is brought into operation on 1st October 2006, by the Social Security (1998 Order) (Commencement No. 13) Order (Northern Ireland) 2006 ([S.R. 2006 No. 360 \(C. 20\)](#)). Article 3 of, and paragraphs 5 and 6 of Schedule 1 to, the Work and Families (Northern Ireland) Order 2006, by virtue of, or consequential upon, which regulations 3 and 4 are made, were brought into operation on 1st September 2006 (in relation to paragraph 6 of Schedule 1, for the

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purpose only of authorising the making of regulations) by the Work and Families (Northern Ireland) Order 2006 (Commencement No. 1) Order (Northern Ireland) 2006 ([S.R. 2006 No. 344 \(C. 17\)](#)). As the Regulations are made before the end of the period of 6 months from the commencement of those provisions, they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992, from reference to the Social Security Advisory Committee.

An assessment of the cost to business was made in accordance with the Work and Families (Northern Ireland) Order 2006. Copies of the Regulatory Impact Assessment may be obtained from Employment Rights Branch, Department for Employment and Learning, Room 203 Adelaide House, 39-49 Adelaide Street, Belfast BT2 8FD or from the Department for Employment and Learning website: www.delni.gov.uk/index/publications/pubs-employment-rights/wf-regulatory-impact-assessment-choice-flexibility.

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