
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 149

**The Maternity Allowance (Curtailment)
Regulations (Northern Ireland) 2015**

Maternity allowance period curtailment notification

- 5.—(1) A maternity allowance period curtailment notification must—
- (a) be given to the Department; and
 - (b) specify the date on which M wants her maternity allowance period to end.
- (2) The date specified in accordance with paragraph (1)(b) must be—
- (a) the last day of a week;
 - (b) if M has the right to maternity leave under Article 103 (ordinary maternity leave) of the 1996 Order⁽¹⁾, at least one day after the end of the compulsory maternity leave period or, if M does not have that right, at least two weeks after the end of the pregnancy;
 - (c) at least eight weeks after the date on which M gives the maternity allowance period curtailment notification; and
 - (d) at least one week before the last day of M’s maternity allowance period.
- (3) Where the Department considers it appropriate the eight week period set out in paragraph (2) may be reduced in any particular case.
- (4) In paragraph (2)(b) “the end of the compulsory maternity leave period” means whichever is the later of—
- (a) the last day of the compulsory maternity leave period provided for in regulations under Article 104(2) (compulsory maternity leave) of the 1996 Order⁽²⁾; or
 - (b) where section 205 of the Public Health Act 1936⁽³⁾ (women not to be employed in factories or workshops within four weeks after birth of a child) applies to M’s employment, the last day of the period in which an occupier of a factory is prohibited from knowingly allowing M to be employed in that factory.
- (5) Where M—
- (a) returns to work before giving a notification under paragraph (1); and
 - (b) subsequently gives such a notification;

the “maternity allowance period curtailment date” shall be the last day of the week in which that notification is submitted (irrespective of the date given in that notification under paragraph (1)).

(1) Article 103 was substituted by Article 9 and Part 1 of Schedule 4 to the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (N.I. 9)) (“the 1999 Order”). Article 103(3) was substituted by Article 13(1) and section 30 of Schedule 1 to the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16)) and Article 103(4) and (7) was amended by Article 14(2) and (3) of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))

(2) Article 104(2) was substituted by Article 9 and Part 1 of Schedule 4 to the 1999 Order

(3) 1936 c. 49 as amended by the Statute Law (Repeals) Act 1993 (c. 50), section 1, Schedule 1, Part 14 and the Statute Law (Repeals) Act 2004 (c. 14), section 1, Schedule 1, Part 13

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) For the purposes of paragraphs (2)(a) and (5), “week” has the meaning given in section 161(8) of the 1992 Act(4) (the maternity pay period).

(7) For the purposes of paragraph (5)(a), a woman is treated as returning to work where maternity allowance is not payable to her in accordance with regulation 2(1) of the Social Security (Maternity Allowance) Regulations (Northern Ireland) 1987(5) (disqualification for the receipt of a maternity allowance).

(4) Section 161(8) was added by paragraph 6(4) of Schedule 1 to [S.I. 2006/1947 \(N.I. 16\)](#)

(5) [S.R. 1987 No. 170](#); regulation 2 was substituted by regulation 2(3) of [S.R. 2014 No. 140](#)