



Employment Act 2002

2002 CHAPTER 22

PART 4

MISCELLANEOUS AND GENERAL

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48 Rate of maternity allowance

(1) In section 35A of the Social Security Contributions and Benefits Act 1992 (c. 4) (appropriate weekly rate of maternity allowance)—

(a) for subsections (1) to (3) there is substituted—

“(1) For the purposes of section 35(1) above the appropriate weekly rate is (subject to subsection (5A) below) whichever is the lower rate of—

(a) a weekly rate equivalent to 90 per cent of the woman’s average weekly earnings; and

(b) the weekly rate for the time being prescribed under section 166(1)(b) below.”;

(b) in paragraph (c)(i) of subsection (5), for “the lower earnings limit” there is substituted “an amount 90 per cent of which is equal to the weekly rate prescribed under section 166(1)(b) below that is”; and

(c) after that subsection there is inserted—

“(5A) Where subsection (5B) below applies the appropriate weekly rate is the weekly rate for the time being prescribed under section 166(1)(b) below.

(5B) This subsection applies where a woman is treated by virtue of regulations under sub-paragraph (i) of paragraph (c) of subsection (5) above as having received a payment in respect of each week in the specified period equal to the amount mentioned in that sub-paragraph.”

Changes to legislation: Employment Act 2002, Section 48 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (2) In relation to any time before the coming into force of section 19, the reference to section 166(1)(b) of the Social Security Contributions and Benefits Act 1992 (c. 4) in section 35A(5)(c)(i) of that Act (as amended by subsection (1)(b) above) is a reference to section 166(3) of that Act.

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Commencement Information

- I1** S. 48(1)(b)(2) in force at 24.11.2002 by [S.I. 2002/2866](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#) (with [Sch. 3 para. 4](#))
- I2** S. 48(1)(a)(c) in force at 6.4.2003 by [S.I. 2002/2866](#), [art. 2\(3\)](#), [Sch. 1 Pt. 3](#) (with [Sch. 3](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3)(e) and word inserted by [2023 c. 20 Sch. para. 36\(4\)\(c\)](#)
- s. 15(2)(bb) word omitted by [2023 c. 20 Sch. para. 43\(a\)](#)
- s. 15(2)(bc) inserted by [2023 c. 20 Sch. para. 43\(b\)](#)