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STATUTORY INSTRUMENTS

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**2000 No. 2883**

**SOCIAL SECURITY**  
**TERMS AND CONDITIONS OF EMPLOYMENT**

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

*Made - - - - 23rd October 2000*  
*Laid before Parliament 27th October 2000*  
*Coming into force - - 17th November 2000*

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 164(4), (9)(e) and (10), 165(1) and (3), 171(1) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992(1) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(2), 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 2000 and shall come into force on 17th November 2000.

(2) In these Regulations—

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;

“the Statutory Maternity Pay Regulations” means the Statutory Maternity Pay (General) Regulations 1986(3).

**Modification of section 164(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 164(2)(a) of the Contributions and

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(1) 1992 c. 4; sections 164(10) and 165(3) were amended by S.I.1994/1230; section 175 was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 165(1) is cited because of the meaning ascribed to the words “maternity pay period”. Section 171(1) is cited because of the meaning ascribed to the word “prescribed”.

(2) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

(3) S.I. 1986/1960; the relevant amending instruments are S.I. 1992/2595 and 1994/1367.

Benefits Act (conditions of entitlement to statutory maternity pay) shall be modified and have effect so that the words, “, wholly or partly because of pregnancy or confinement” shall not apply.

### **Amendment of the Statutory Maternity Pay Regulations**

**3.—**(1) Subject to regulation 4, the Statutory Maternity Pay Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (the maternity pay period)**(4)**—

- (a) in paragraph (1) for the words “Subject to paragraphs (3) to (5)” there shall be substituted the words “Subject to paragraphs (3) to (6)”;
- (b) in paragraph (4) for the words “Subject to paragraph (5)” there shall be substituted the words “Subject to paragraphs (5) and (6)”;
- (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 (notice of absence from work)**(5)** for paragraph (4) there shall be substituted the following paragraph—

“(4) Subject to paragraph (5), section 164(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 were not in force.

Signed by authority of the Secretary of State for Social Security.

23rd October 2000

*Hugh Bayley*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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(4) The relevant amending instrument is S.I. [1994/1367](#).

(5) The relevant amending instrument is S.I. [1994/1367](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations modify the Social Security Contributions and Benefits Act 1992 (“the Act”) as it relates to the conditions of entitlement to statutory maternity pay, and amend the Statutory Maternity Pay (General) Regulations 1986 (“the Statutory Maternity Pay Regulations”).

Regulation 2 modifies section 164(2)(a) of the Act in relation to certain pregnant 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 such women, to prescribe the first week of the maternity pay period, and to make consequential amendments. It also amends regulation 23 of the Statutory Maternity Pay Regulations to disapply section 164(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) in relation to such women.

Regulation 4 provides for these Regulations not to apply to women whose expected week of confinement begins before 4th March 2001.

An assessment of the costs to business of applying these Regulations has been placed in the library of both Houses of Parliament. Copies can be obtained by post from the Department of Social Security, Public Enquiries, Room 113, Adelphi, 1-11 John Adam Street, London WC2N 6HT.