



# Employment Act 2002

## 2002 CHAPTER 22

### PART 4

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **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.”

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*Status: This is the original version (as it was originally enacted).*

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- (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.