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STATUTORY INSTRUMENTS

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**2003 No. 659**

**SOCIAL SECURITY**

**The Social Security (Maternity Allowance)  
(Earnings) (Amendment) Regulations 2003**

<i>Made</i>	- - - -	<i>10th March 2003</i>
<i>Laid before Parliament</i>		<i>14th March 2003</i>
<i>Coming into force</i>	- -	<i>6th April 2003</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 35A(4) and (6), 122(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, by this instrument, which is made before the end of the period of 6 months beginning with the coming into force of the Employment Act 2002<sup>(2)</sup> and contains only regulations made by virtue of, or consequential upon, that Act<sup>(3)</sup>, makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Maternity Allowance) (Earnings) (Amendment) Regulations 2003 and shall come into force on 6th April 2003.

(2) In these Regulations—

“the principal Regulations” means the Social Security (Maternity Allowance) (Earnings) Regulations 2000<sup>(4)</sup>.

**Substitution of regulation 5 of the principal Regulations**

2. For regulation 5 of the principal Regulations (the specified period) there shall be substituted the following regulation—

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(1) 1992 c. 4; section 35A was inserted by the Welfare Reform and Pensions Act 1999 (c. 30), section 53(3); subsection (6) was amended by the Employment Act 2002, Schedule 7, paragraph 5; section 122(1) is cited for the meaning it ascribes to the word “prescribe”; section 175 (1) and (4) was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 3, paragraph 29.

(2) 2002 c. 22.

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

(4) S.I.2000/688; the relevant amending instrument is S.I. 2002/ 2690.

**“The specified period**

5.—(1) Subject to paragraph (2) below, for the purposes of section 35A(4) and (5) of the Contributions and Benefits Act, the specified period shall be the test period.

(2) Where a woman is treated by virtue of regulation 3(a) above as having received payments for at least 13 weeks (whether consecutive or not) falling within the test period, the first 13 such weeks shall be the specified period.”.

**Amendment of regulation 6 of the principal Regulations**

3. For regulation 6(1) of the principal Regulations (determination of average weekly amount of specified payments) there shall be substituted the following paragraph—

“(1) For the purposes of section 35A(4) of the Contributions and Benefits Act a woman’s average weekly amount of specified payments shall, subject to paragraph (2), be determined by dividing by 13 the payments made, or treated in accordance with these Regulations as made, to her or for her benefit—

- (a) in the case of a woman to whom paragraph (2) of regulation 5 applies, in the 13 weeks referred to in that paragraph;
- (b) in any other case, in the 13 weeks (whether consecutive or not) falling within the specified period in which such payments are greatest.”.

Signed by authority of the Secretary of State for Work and Pensions.

10th March 2003

*P.Hollis*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

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## EXPLANATORY NOTE

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

These Regulations amend the Social Security (Maternity Allowance) (Earnings) Regulations 2000 (“the principal Regulations”) which provides for payments which are, or are to be treated as, earnings for the purpose of determining entitlement to maternity allowance under the Social Security Contributions and Benefits Act 1992.

Regulation 2 substitutes regulation 5 of the principal Regulations which defines the specified period for the purposes of section 35A(4) and (5) of that Act.

Regulation 3 substitutes regulation 6(1) of the principal Regulations which allow a woman’s average weekly amount of specified payments to be determined in respect of earnings made, or treated as made, in the specified period.

These Regulations do not impose a charge on business.