

*Status: Point in time view as at 12/01/2000.*

*Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, SCHEDULE 13 is up to date with all changes known to be in force on or before 15 July 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)*

## SCHEDULES

### SCHEDULE 13

Section 158:

#### RELATIONSHIP OF STATUTORY MATERNITY PAY WITH BENEFITS AND OTHER PAYMENTS, ETC.

##### *The general principle*

- [<sup>F1</sup> Except as may be prescribed, a day which falls within the maternity pay period shall not be treated as a day of incapacity for work for the purposes of determining, for this Act, whether it forms part of a period of incapacity for work for the purposes of incapacity benefit.]

##### Textual Amendments

- F1** Sch. 13 para. 1 substituted (7.10.1996) by S.I. 1995/2705, art. 40(1), Sch. 2 para. 20; S.R. 1996/401, art. 2(b)

##### *[<sup>F2</sup> Incapacity benefit]*

##### Textual Amendments

- F2** Cross-heading and para. 2 in Sch. 13 substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), Sch. 1 Pt. I para. 44(3) (with art. 15(1)); S.R. 1994/450, art. 2(d), Sch. Pt. IV

- [<sup>F3</sup> (1) Regulations may provide that in prescribed circumstances a day which falls within the maternity pay period shall be treated as a day of incapacity for work for the purpose of determining entitlement to the higher rate of short-term incapacity benefit or to long-term incapacity benefit.
- (2) Regulations may provide that an amount equal to a woman's statutory maternity pay for a period shall be deducted from any such benefit in respect of the same period and a woman shall be entitled to such benefit only if there is a balance after the deduction and, if there is such a balance, at a weekly rate equal to it.]

##### Textual Amendments

- F3** Sch. 13 para. 2 substituted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), Sch. 1 Pt. I para. 44(3) (with art. 15(1)); S.R. 1994/450, art. 2(d), Sch. Pt. IV

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*Contractual remuneration*

- 3 (1) Subject to sub-paragraphs (2) and (3) below, any entitlement to statutory maternity pay shall not affect any right of a woman in relation to remuneration under any contract of service (“contractual remuneration”).
- (2) Subject to sub-paragraph (3) below—
- (a) any contractual remuneration paid to a woman by an employer of hers in respect of a week in the maternity pay period shall go towards discharging any liability of that employer to pay statutory maternity pay to her in respect of that week; and
  - (b) any statutory maternity pay paid by an employer to a woman who is an employee of his in respect of a week in the maternity pay period shall go towards discharging any liability of that employer to pay contractual remuneration to her in respect of that week.
- (3) Regulations may make provision as to payments which are, and those which are not, to be treated as contractual remuneration for the purposes of sub-paragraphs (1) and (2) above.

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