

## 1981 No. 278

## SOCIAL SECURITY

The Social Security (Maternity Grant) Regulations  
(Northern Ireland) 1981

Made . . . . . 14th August 1981  
Coming into operation . . . . . 1st April 1982

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 21(1), (3) and (5), 82(5)(a) and 126 of the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(b) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

*Citation and commencement*

1. These regulations may be cited as the Social Security (Maternity Grant) Regulations (Northern Ireland) 1981 and shall come into operation on 1st April 1982.

*Amendment of the Social Security (Maternity Benefit) Regulations (Northern Ireland) 1975*

2.—(1) The Social Security (Maternity Benefit) Regulations (Northern Ireland) 1975(c) shall be amended in accordance with the following provisions.

(2) Regulation 1(2) (interpretation) shall be amended by inserting the following definitions—

““child benefit” means benefit under Part II of the Child Benefit (Northern Ireland) Order 1975(d);

“qualifying period” has the meaning assigned to it in regulation 3B;

“serving member of the forces” has the same meaning as in regulation 1(2) of the Social Security (Contributions) Regulations 1979(e) except that it does not include—

(a) a member of any territorial or reserve force mentioned in Part I of Schedule 3 to those regulations who is not undergoing training or instruction as such a member for a continuous period exceeding 72 consecutive hours, or

(b) a member of the Ulster Defence Regiment who is neither serving also as a member of any of the regular naval, military or air forces of the Crown, nor on the full-time permanent staff of that regiment, nor serving or undergoing training or instruction in that regiment for a continuous period exceeding 72 consecutive hours;”.

(a) 1975 c. 15; subsections (1) and (5) of section 21 were amended by Article 6(1) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))

(b) 1980 c. 30

(c) S.R. 1975 No. 107, as amended by S.R. 1977 No. 280

(d) S.I. 1975/1504 (N.I. 16)

(e) S.I. 1979/591, as amended by S.I. 1980/1975

(3) After paragraph (2) of regulation 1 the following paragraph shall be inserted—  
 “(2A) For the purposes of regulations 3, 3A and 3B if, at the beginning of any day, a woman is either present in or absent from Northern Ireland, that state of affairs shall be treated as continuing throughout that day.”.

(4) In regulation 3 (maternity grant in expectation of confinement) for the word “then—” and paragraphs (a) and (b) there shall be substituted—

“then that section shall so apply to her in relation to that claim and

(a) where the expected week of confinement ends on or before 3rd July 1982, the contribution conditions for a maternity grant as set out in paragraph 2 of Schedule 3 shall apply in her case as if, for sub-paragraph (4)(a) of that paragraph, there were substituted the following—

‘(a) ‘the relevant time’ is the beginning of the week in which it is to be expected that the claimant will be confined or, where the relevant person is the husband and he was dead or over pensionable age when the claim was made, the date of his attaining pensionable age or dying under that age;’;

(b) where the expected week of confinement begins on or after 4th July 1982 the prescribed conditions as to presence in Northern Ireland shall be that:

(i) she must have been present in Northern Ireland for a period of, or periods amounting in aggregate to, more than 182 days in the 52 weeks immediately preceding the expected week of confinement, and

(ii) she must be present in Northern Ireland on the date of her claim;

(c) any qualifying period or periods may be included as part of the total of more than 182 days referred to in paragraph (b)(i);

(d) paragraph (b)(ii) shall not apply to a woman who, at the date of claim, is a serving member of the forces or who is the wife of a serving member of the forces and is residing with him.”.

(5) After regulation 3 there shall be inserted the following regulations—

*“Maternity grant after confinement*

**3A.**—(1) The prescribed condition as to presence in Northern Ireland to be satisfied by a woman for the purposes of section 21(1), where a claim for maternity grant is made after confinement and the date of confinement is on or after 4th July 1982, shall be that she must have been present in Northern Ireland for a period of, or periods amounting in aggregate to, more than 182 days in the 52 weeks immediately preceding the date of confinement.

(2) Any qualifying period or periods may be included as part of the total of more than 182 days referred to in paragraph (1).

*Temporary absences from Northern Ireland*

**3B.** A qualifying period shall mean any day or days during which a woman is temporarily absent from Northern Ireland during the 52 weeks referred to in regulations 3(b)(i) and 3A(1) where—

(a) that day or those days form part of any week or weeks for which she is entitled to child benefit; or

(b) her absence is due to her own employment or, where she is residing with him, her husband’s employment and either Class 1 contributions are payable in respect of that employment, or the employment for the first 52 weeks of absence was treated as employed earner’s employment by virtue of regulation 112 of the Social Security (Contributions) Regulations (Northern Ireland) 1979(a); or

- (c) her absence is due to her own employment or, where she is residing with him, her husband's employment and Class 1 contributions would have been payable in respect of that employment or in respect of the first 52 weeks of that employment by virtue of the said regulation 112 but for the provisions of either an order or Order in Council made under section 134 or Council Regulation No. 1408/71/EEC(a); or
- (d) her absence is due to her own employment or, where she is residing with him, her husband's employment and a Class 2 or Class 3 contribution is paid for the week or weeks of which that day or those days form part; or
- (e) her absence is due to her service as a serving member of the forces or, where she is the wife of a serving member of the forces and is residing with him, her absence is due to her husband's service."
- (6) Regulation 5(3) shall be amended by deleting "(a)" in the first reference to "paragraph (2)(a)".
- (7) In regulation 11 (special provision for certain persons who have been employed abroad)—
- (a) in paragraph (1)—
- (i) for "maternity benefit" there shall be substituted "maternity grant and maternity allowance" and
- (ii) for "where a person" there shall be substituted "where the date of confinement is on or before 3rd July 1982 or, in respect of claims in expectation of confinement, the expected week of confinement ends on or before 3rd July 1982 and a person";
- (b) after paragraph (1) the following paragraph shall be inserted—
- "(1A) Where the date of confinement is on or after 4th July 1982 or, in respect of claims in expectation of confinement, the expected week of confinement begins on or after 4th July 1982, this regulation shall apply for the purposes of maternity allowance only.;"
- (c) in paragraph (2)(a) for "regulation 106 of the Social Security (Contributions) Regulations (Northern Ireland) 1975" there shall be substituted "regulation 112 of the Social Security (Contributions) Regulations (Northern Ireland) 1979";
- (d) the reference to "regulation 106" in paragraphs (3)(a) and (c) and (4)(a) and (b) shall be amended to refer to "regulation 112".
- (8) Regulation 13 (transitional provisions) is revoked.

*Amendment of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978*

3.—(1) The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(b) shall be amended in accordance with the following provisions.

(2) In regulation 1(2) (interpretation) for the definition of "the Contributions Regulations" there shall be substituted the following definition—

" "the Contributions Regulations" means the Social Security (Contributions) Regulations 1979;".

(3) In regulation 3 (modifications of the Act relating to maternity grant)—

(a) in paragraph (1) for "Subject to the provisions" to "if either—" there shall be substituted—

(a) O.J. No. L149, 5.7.71, p. 2 (O.J. SE 1971 (II) p. 416)

(b) S.R. 1978 No. 114; to which there are amendments not relevant to the subject matter of these regulations

“Subject to paragraphs (2) and (3) of this regulation, where a woman is confined outside Northern Ireland and the date of confinement is on or before 3rd July 1982 she shall not be disentitled to maternity grant by reason of the fact that on the date of confinement she is outside Northern Ireland, if either—”;

(b) in paragraph (1)(b)(i) for “Schedule 5” there shall be substituted “Schedule 3”;

(c) after paragraph (3) the following paragraphs shall be added—

“(4) Subject to paragraphs (5) and (6) of this regulation, where a woman is confined outside Northern Ireland and the date of confinement is on or after 4th July 1982, she shall not be disentitled to maternity grant by reason of the fact that on the date of confinement she is outside Northern Ireland, if—

(a) she is entitled to child benefit for the week which begins with the first Monday following the date of confinement; or

(b) her absence from Northern Ireland is for a temporary purpose and was not when it began intended to last for more than 4 weeks; or

(c) in respect of the last complete tax year ending more than 3 months before the date of confinement, either she or her husband has an earnings factor derived from contributions either paid or credited which is not less than that year’s lower earnings limit multiplied by 50; or

(d) on the date of her confinement her husband is a serving member of the forces as defined in paragraph (1)(b) of this regulation,

and any such woman shall, in addition, not be disqualified for receiving a maternity grant by reason of her being absent from Northern Ireland.

(5) The provisions of paragraph (4)(c) of this regulation shall not apply in cases where a woman’s entitlement to maternity grant is dependent upon her husband’s earnings factor, unless she is residing with him on the date of confinement, or, if he is dead, unless she was residing with him at the time of his death.

(6) The provisions of paragraph (4)(a), (b) and (c) of this regulation shall not apply to maternity grant in expectation of confinement.”.

(4) In regulation 7(1)(g) for “regulation 71 of the Social Security (Contributions) Regulations (Northern Ireland) 1975, as amended” there shall be substituted “the Social Security (Contributions) Regulations (Northern Ireland) 1979” and “of regulation 75” shall be omitted.

(5) In regulation 13(2)(b) for “regulation 106 of the Social Security (Contributions) Regulations (Northern Ireland) 1975, as amended” there shall be substituted “regulation 112 of the Social Security (Contributions) Regulations (Northern Ireland) 1979”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 14th August 1981.

(L.S.)

*T. S. Martin*

Assistant Secretary

## EXPLANATORY NOTE

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

These regulations make provision consequent upon the replacement of contributory maternity grant by non-contributory maternity grant by virtue of Article 6 of the Social Security (Northern Ireland) Order 1980 which amended the Social Security (Northern Ireland) Act 1975, in respect of confinements on or after 4th July 1982 (the appointed date as provided by Article 2 of the Social Security (1980 Order)(Appointed Date) Order (Northern Ireland) 1981 (S.R.1981 No.277)).

Regulation 2 amends the Social Security (Maternity Benefit) Regulations (Northern Ireland) 1975 and prescribes the periods for which a woman must be present in Northern Ireland to establish entitlement to non-contributory maternity grant. It also provides that certain periods during which a woman is temporarily absent from Northern Ireland may be included as part or parts of the total period for which presence in Northern Ireland is required.

Regulation 3 amends the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978 and specifies that a woman shall not be disentitled to maternity grant by reason only that she was confined outside Northern Ireland if she can satisfy one of the conditions specified. It also provides that in such cases a woman shall not be disqualified for receiving payment of the benefit while absent from Northern Ireland.