
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 206

STATUTORY MATERNITY PAY

**The Statutory Maternity Pay (General)
(Amendment) Regulations (Northern Ireland) 1996**

Made - - - - *20th May 1996*

Coming into operation *12th June 1996*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 160(9)(a) and 167(6) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Statutory Maternity Pay (General) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 12th June 1996.

(2) In these Regulations “the principal Regulations” means the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(2).

(3) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to a Measure of the Assembly.

Amendment of regulation 21 of the principal Regulations

2. In regulation 21 of the principal Regulations (normal weekly earnings)—

(a) in paragraph (1) for “paragraphs (2) to (6)” there shall be substituted “the following provisions of this regulation”;

(b) after paragraph (6) there shall be added the following paragraph—

“(7) In a case where a woman receives a back-dated pay increase which includes a sum in respect of a relevant period, normal weekly earnings shall be calculated as if such a sum was paid in that relevant period even though received after that period.”.

(1) 1992 c. 7

(2) S.R. 1987 No. 30; relevant amending regulations are S.R. 1994 No. 191

(3) 1954 c. 33 (N.I.)

Insertion of regulation 21B into the principal Regulations

3. After regulation 21A(4) of the principal Regulations (effect of statutory maternity pay on incapacity benefit) there shall be inserted the following regulation—

“Effect of maternity allowance on statutory maternity pay

21B. Where a woman, in any week which falls within the maternity pay period, is—

- (a) in receipt of maternity allowance pursuant to the provisions of section 35(1A)(5) of the Contributions and Benefits Act; and
- (b) entitled to receive statutory maternity pay in consequence of receiving a back-dated pay increase which includes a sum in respect of the relevant period,

the employer shall only be liable to make payments of statutory maternity pay in respect of such week of an amount equal to the amount (if any) by which the rate of statutory maternity pay(6) exceeds the rate of maternity allowance(7) received by her in that week.”.

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

L.S.

20th May 1996

W. G. Purdy
Assistant Secretary

(4) Regulation 21A was inserted by [S.R. 1988 No. 128](#) and amended by [S.R. 1990 No. 112](#) and [S.R. 1995 No. 150](#)
(5) Subsection (1A) was inserted by [S.R. 1994 No. 176](#)
(6) See section 162(2) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; section 162(3) is amended by [S.R. 1994 No. 176](#). See also Articles 9 and 10 of [S.R. 1996 No. 73](#)
(7) See section 35(1A) of, and paragraph 4 of Part I of Schedule 4 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992; paragraph 4 of Part I of Schedule 4 is amended by [S.R. 1994 No. 176](#). See also [S.R. 1996 No. 73](#)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987 (“the principal Regulations”).

Regulation 2 amends regulation 21 of the principal Regulations to include in the calculation of normal weekly earnings any sum payable in respect of a relevant period by virtue of a back-dated pay increase received after that period.

Regulation 3 inserts a new regulation 21B into the principal Regulations. This regulation provides that, where a woman is receiving maternity allowance and entitled to statutory maternity pay due to receiving a back-dated pay increase, her employer is only liable to pay statutory maternity pay equal to the amount by which the rate of statutory maternity pay exceeds the rate of maternity allowance received by her.

The Regulations correspond to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.