

2003 No. 168

SOCIAL SECURITY

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

Made - - - - - *12th March 2003*

Coming into operation *6th April 2003*

The Department for Social Development, in exercise of the powers conferred by sections 35A(4) and (6) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and now vested in it(b), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

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

Amendment of the Social Security (Maternity Allowance) (Earnings) Regulations

2.—(1) The Social Security (Maternity Allowance) (Earnings) Regulations (Northern Ireland) 2000(c) shall be amended in accordance with paragraphs (2) and (3).

(2) For regulation 5(d) (the specified period) there shall be substituted the following regulation –

“The specified period

5.—(1) Subject to paragraph (2), 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) 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.”.

(3) For regulation 6(1)(e) (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) 1992 c. 7; section 35A was inserted by Article 50(3) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and subsection (6) is substituted by paragraph 3 of Schedule 1 to the Social Security Act (Northern Ireland) 2002 (c. 10 (N.I.))

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.R. 2000 No. 104

(d) Regulation 5 was substituted by regulation 6(4) of S.R. 2002 No. 354

(e) Regulation 6(1) was substituted by regulation 6(5)(a) of S.R. 2002 No. 354

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

Revocation

3. Regulation 6(4) and (5)(a) of the Social Security, Statutory Maternity Pay and Statutory Sick Pay (Miscellaneous Amendments) Regulations (Northern Ireland) 2002(a) is hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 12th March 2003.

(L.S.)

D. A. Baker

Senior Officer of the Department for Social Development

(a) S.R. 2002 No. 354

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Maternity Allowance) (Earnings) Regulations (Northern Ireland) 2000 (“the principal Regulations”).

Regulation 2(2) substitutes regulation 5 of the principal Regulations which defines the specified period for the purposes of section 35A(4) and (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

Regulation 2(3) substitutes regulation 6(1) of the principal Regulations which allows for 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.

Regulation 3 makes a consequential revocation.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions 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, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose any charge on business.

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