

EXPLANATORY MEMORANDUM

THE JOBSEEKER'S ALLOWANCE (MATERNITY ALLOWANCE) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2014

S.R. 2014 No. 226

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by the Jobseekers (Northern Ireland) Order 1995 and is subject to the confirmatory resolution procedure.

2. Purpose

- 2.1 This Statutory Rule amends the Jobseeker's Allowance Regulations (Northern Ireland) 1996 (S.R. 1996 No. 198) as a consequence of the recent introduction of a maternity allowance for a new group of women who habitually participate in their self employed spouse's or civil partner's business but who are neither employed nor self employed.
- 2.2 This Rule is consequential on the recent coming into operation of section 35B of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 which was introduced by the Social Security (Maternity Allowance) (Participating Wife or Civil Partner of Self-employed Earner) Regulations (Northern Ireland) 2014 (S.R. 2014 No. 102) which came into operation on 1st April 2014.

3. Policy background

- 3.1 EU Directive 2010/41 ensures the application in Member States of the principle of equal treatment between men and women engaged in an activity in a self employed capacity.
- 3.2 The Social Security (Maternity Allowance) (Participating Wife or Civil Partner of Self-employed Earner) Regulations (Northern Ireland) 2014 introduced a Maternity Allowance for women who habitually participate in their self employed spouse's or civil partner's business but who are neither employed nor self employed. Further information can be found in the attached Explanatory Memorandum supporting those regulations at: <http://www.legislation.gov.uk/nisr/2014/102/memorandum/contents>

- 3.3 This statutory rule will make consequential amendments to the Jobseeker's Allowance Regulations (Northern Ireland) 1996 to ensure that the existing provisions of a maternity allowance payable to a woman who regularly participates in her spouse or civil partner's self-employed business are treated in the same way as a maternity allowance that is paid to a woman who is employed or self-employed in her own right for the purposes of identifying and determining entitlement to Jobseeker's Allowance.

4. Consultation

- 4.1 A formal consultation has not been carried out by the Department on these Regulations. Consultation was not considered necessary for these changes as they are designed to provide equality for women who regularly assist in the business of their self-employed spouse or civil partner and in the main they align existing legislation.
- 4.2 The Legislative changes to implement this policy have been brought about as a result of the European Directive as described in the Explanatory Memorandum)
http://www.legislation.gov.uk/nisr/2014/102/pdfs/nisrem_20140102_en.pdf

5. Equality Impact

- 5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on these legislative proposals and has concluded that the proposals do not have significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

- 6.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose any new costs on business, charities or voluntary bodies.

7. Financial Implications

- 7.1 There are no significant costs to the Department to implement these proposals.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—
(a) is not incompatible with any of the Convention rights,

- (b) is not incompatible with Community law,
- (c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and
- (d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998

9. EU Implications

- 9.1 Not applicable.

10. Parity or Replicatory Measure

- 10.1 Equivalent legislative provisions came in force in Great Britain on 18th May 2014 by virtue of the Social Security (Maternity Allowance) (Miscellaneous Amendments) Regulations 2014 (S.I. 2014/884). This Statutory Instrument was made by the Secretary of State for Work and Pensions under a negative resolution procedure.
- 10.2 The proposals for these Regulations are merely mirroring those legislative provisions already in place in Great Britain and are in keeping with the principle of parity between Northern Ireland and Great Britain in social security matters. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.