



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART II

CONTRIBUTORY BENEFITS

Maternity

35 State maternity allowance.

- (1) A woman shall be entitled to a maternity allowance at [^{F1}the appropriate weekly rate determined under subsection (1A) below], if—
- (a) she has become pregnant and has reached, or been confined before reaching, the commencement of the 11th week before the expected week of confinement; and
 - (b) she has been engaged in employment as an employed or self-employed earner for at least 26 weeks in the [^{F2}66 weeks immediately preceding] the expected week of confinement; and
 - (c) she satisfies the contribution condition for a maternity allowance specified in Schedule 3, Part I, paragraph 3; and
 - (d) she is not entitled to statutory maternity pay for the same week in respect of the same pregnancy.

[^{F3}(1A) For the purposes of subsection (1) above the appropriate weekly rate is—

- (a) in the case of a woman who is engaged in employment as an employed earner in the week immediately preceding the 14th week before the expected week of confinement, a weekly rate equal to the lower rate of statutory maternity pay for the time being prescribed under section 162(3) below or the weekly rate specified in Schedule 4, Part I, paragraph 4, whichever is the higher; and
- (b) in any other case, the weekly rate specified in Schedule 4, Part I, paragraph 4.]

Status: Point in time view as at 04/05/1994. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Maternity 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)

- (2) Subject to the following provisions of this section, a maternity allowance shall be payable for the period (“the maternity allowance period”) which, if she were entitled to statutory maternity pay, would be the maternity pay period under section 161 below.
- (3) Regulations may provide—
- (a) for disqualifying a woman for receiving a maternity allowance if—
 - (i) during the maternity allowance period she does any work in employment as an employed or self-employed earner, or fails without good cause to observe any prescribed rules of behaviour; or
 - (ii) at any time before she is confined she fails without good cause to attend for, or submit herself to, any medical examination required in accordance with the regulations;
 - (b) that this section and Schedule 3, Part I, paragraph 3 shall have effect subject to prescribed modifications in relation to cases in which a woman has been confined and—
 - (i) has not made a claim for a maternity allowance in expectation of that confinement (other than a claim which has been disallowed); or
 - (ii) has made a claim for a maternity allowance in expectation of that confinement (other than a claim which has been disallowed), but she was confined more than 11 weeks before the expected week of confinement.
 - [^{F4}(c) that subsection (2) above shall have effect subject to prescribed modifications in relation to cases in which a woman fails to satisfy the conditions referred to in subsection (1)(b) and (c) above at the commencement of the 11th week before the expected week of confinement, but subsequently satisfies those conditions at any time before she is confined.]
- (4) A woman who has become entitled to a maternity allowance shall cease to be entitled to it if she dies before the beginning of the maternity allowance period; and if she dies after the beginning, but before the end, of that period, the allowance shall not be payable for any week subsequent to that in which she dies.
- (5) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of a maternity allowance—
- (a) Sunday or such other day in each week as may be prescribed shall be disregarded; and
 - (b) the amount payable by way of that allowance for any other day shall be taken as one sixth of the weekly rate of the allowance.
- (6) In this section “confinement” means—
- (a) labour resulting in the issue of a living child, or
 - (b) labour after [^{F5}24 weeks] of pregnancy resulting in the issue of a child whether alive or dead,
- and “confined” shall be construed accordingly; and where a woman’s labour begun on one day results in the issue of a child on another day she shall be taken to be confined on the day of the issue of the child or, if labour results in the issue of twins or a greater number of children, she shall be taken to be confined on the day of the issue of the last of them.
- (7) The fact that the mother of a child is being paid maternity allowance shall not be taken into consideration by any court in deciding whether to order payment of expenses incidental to the birth of the child.

Status: Point in time view as at 04/05/1994. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Maternity 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)

Textual Amendments

- F1** Words in s. 35(1) substituted (in accordance with reg. 1(2)(3) of the amending S.R.) by S.R. 1994/176, **reg. 2(1)(a)**
- F2** Words in s. 35(1)(b) substituted (in accordance with reg. 1(2)(3) of the amending S.R.) by S.R. 1994/176, **reg. 2(1)(b)**
- F3** S. 35(1A) inserted (in accordance with reg. 1(2)(3) of the amending S.R.) by S.R. 1994/176, **reg. 2(2)**
- F4** S. 35(3)(c) added (in accordance with reg. 1(2)(3) of the amending S.R.) by S.R. 1994/176, **reg. 2(3)**
- F5** Words in s. 35(6) substituted (1.10.1992) by S.I. 1992/1310, **art. 4(a)**.

VALID FROM 12/01/2000

[^{F6}35A Appropriate weekly rate of maternity allowance.

- (1) For the purposes of section 35(1) above the appropriate weekly rate is that specified in whichever of subsection (2) or (3) below applies.
- (2) Where the woman's average weekly earnings are not less than the lower earnings limit for the relevant tax year, the appropriate weekly rate is a weekly rate equal to the lower rate of statutory maternity pay for the time being prescribed under section 162(3) below.
- (3) Where the woman's average weekly earnings—
 - (a) are less than the lower earnings limit for the relevant tax year, but
 - (b) are not less than the maternity allowance threshold for that tax year,the appropriate weekly rate is a weekly rate equivalent to 90 per cent. of her average weekly earnings or (if lower) the rate specified in subsection (2) above.
- (4) For the purposes of this section a woman's "average weekly earnings" shall be taken to be the average weekly amount (as determined in accordance with regulations) of specified payments which—
 - (a) were made to her or for her benefit as an employed earner, or
 - (b) are (in accordance with regulations) to be treated as made to her or for her benefit as a self-employed earner,during the specified period.
- (5) Regulations may, for the purposes of subsection (4) above, provide—
 - (a) for the amount of any payments falling within paragraph (a) or (b) of that subsection to be calculated or estimated in such manner and on such basis as may be prescribed;
 - (b) for a payment made outside the specified period to be treated as made during that period where it was referable to that period or any part of it;
 - (c) for a woman engaged in employment as a self-employed earner to be treated as having received a payment in respect of a week—
 - (i) equal to the lower earnings limit in force on the last day of the week, if she paid a Class 2 contribution in respect of the week, or
 - (ii) equal to the maternity allowance threshold in force on that day, if she was excepted (under section 11(4) above) from liability for such a contribution in respect of the week;

Status: Point in time view as at 04/05/1994. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading: Maternity 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)

- (d) for aggregating payments made or treated as made to or for the benefit of a woman where, either in the same week or in different weeks, she was engaged in two or more employments (whether, in each case, as an employed earner or a self-employed earner).
- (6) In this section—
- (a) “the maternity allowance threshold”, in relation to a tax year, means (subject to subsection (7) below) £30;
- (b) “the relevant tax year” means the tax year in which the beginning of the period of 66 weeks mentioned in section 35(1)(b) above falls; and
- (c) “specified” means prescribed by or determined in accordance with regulations.
- (7) Whenever the Secretary of State makes an order under section 35A of the Great Britain Contributions and Benefits Act (increase of maternity allowance threshold), the Department may make a corresponding order for Northern Ireland.]

Textual Amendments

- F6** S. 35A inserted (12.1.2000 for specified purposes and 2.4.2000 otherwise) by [S.I. 1999/3147 \(N.I. 11\)](#), [art. 50\(3\)](#); [S.R. 1999/494](#), [art. 2\(1\)\(a\)](#)

Status:

Point in time view as at 04/05/1994. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

Social Security Contributions and Benefits (Northern Ireland) Act 1992, Cross Heading:
Maternity 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.