



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART XII

STATUTORY MATERNITY PAY

161 The maternity pay period.

- (1) Statutory maternity pay shall be payable, subject to the provisions of this Part of this Act, in respect of each week during a prescribed period (“the maternity pay period”) of a duration not exceeding [^{F1}52 weeks].
- [^{F2}(2) Subject to subsections (3) and (7), the maternity pay period shall begin with the 11th week before the expected week of confinement.]
- [^{F2}(3) Cases may be prescribed in which the first day of the period is to be a prescribed day after the beginning of the 11th week before the expected week of confinement, but not later than the day immediately following the day on which she is confined.]
- [^{F3}(3A) Regulations may provide for the duration of the maternity pay period as it applies to a woman to be reduced, subject to prescribed restrictions and conditions.
- (3B) Regulations under subsection (3A) are to secure that the reduced period ends at a time—
- after a prescribed period beginning with the day on which the woman is confined; and
 - when at least a prescribed part of the maternity pay period remains unexpired.
- (3C) Regulations under subsection (3A) may, in particular, prescribe restrictions and conditions relating to—
- the end of the woman's entitlement to maternity leave;
 - the doing of work by the woman;

Status: Point in time view as at 10/04/2023.

Changes to legislation: *Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 161 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)*

- (c) the taking of prescribed steps by the woman or another person as regards leave under Article 107E of the Employment Rights Order in respect of the child;
 - (d) the taking of prescribed steps by the woman or another person as regards statutory shared parental pay in respect of the child.
- (3D) Regulations may provide for a reduction in the duration of the maternity pay period as it applies to a woman to be revoked, or to be treated as revoked, subject to prescribed restrictions and conditions.]
- (4) [^{F4}Except in such cases as may be prescribed,] statutory maternity pay shall not be payable to a woman by a person in respect of any week during any part of which she works under a contract of service with him.
- (5) It is immaterial for the purposes of subsection (4) above whether the work referred to in that subsection is work under a contract of service which existed immediately before the maternity pay period or a contract of service which did not so exist.
- (6) Except in such cases as may be prescribed, statutory maternity pay shall not be payable to a woman in respect of any week after she has been confined and during any part of which she works for any employer who is not liable to pay her statutory maternity pay.
- (7) Regulations may provide that this section shall have effect subject to prescribed modifications in relation—
- (a) to cases in which a woman has been confined before the 11th week before the expected week of confinement; and
 - (b) to cases in which—
 - (i) a woman is confined [^{F5}at any after the end of the week immediately preceding the 11th week], before the expected week of confinement; and
 - (ii) the maternity pay period has not then commenced for her.
- [^{F6}(8) In subsections (1), (4) and (6) “week” means a period of 7 days beginning with the day of the week on which the maternity pay period begins.]

Textual Amendments

- F1** Words in s. 161(1) substituted (1.9.2006) by [The Work and Families \(Northern Ireland\) Order 2006 \(S.I. 2006/1947\)](#), arts. 1(3), 3; S.R. 2006/344, art. 2(a)
- F2** S. 161(2)(3) substituted (1.9.2006 for specified purposes, 1.10.2006 in so far as not already in force) by [The Work and Families \(Northern Ireland\) Order 2006 \(S.I. 2006/1947\)](#), art. 1(3), **Sch. 1 para. 6(2)**; S.R. 2006/344, arts. 2(d), 3(b)
- F3** S. 161(3A)-(3D) inserted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\)](#), **ss. 6(4)**, 23(1); S.R. 2015/86, art. 3(1)(e)
- F4** Words in s. 161(4) inserted (1.9.2006 for specified purposes, 1.10.2006 in so far as not already in force) by [The Work and Families \(Northern Ireland\) Order 2006 \(S.I. 2006/1947\)](#), art. 1(3), **Sch. 1 para. 6(3)**; S.R. 2006/344, arts. 2(d), 3(b)
- F5** Words in s. 161(7) substituted (with effect in any case where the expected week of confinement begins on or after 16.10.1994) by S.R. 1994/176, **regs. 1(3)**, 3(3)
- F6** S. 161(8) added (1.9.2006 for specified purposes, 1.10.2006 in so far as not already in force) by [The Work and Families \(Northern Ireland\) Order 2006 \(S.I. 2006/1947\)](#), art. 1(3), **Sch. 1 para. 6(4)**; S.R. 2006/344, arts. 2(d), 3(b)

Status:

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