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## STATUTORY INSTRUMENTS

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# 1986 No. 1960

## The Statutory Maternity Pay (General) Regulations 1986

### PART IV

#### GENERAL PROVISIONS

##### Meaning of “employee”

17.—(1) [<sup>F1</sup>Subject to paragraph (1A),] in a case where, and in so far as, a woman <sup>F2</sup>... is treated as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations 1978(1) she shall be treated as an employee for the purposes of Part V of the 1986 Act and in a case where, and in so far as, such a woman is treated otherwise than as an employed earner by virtue of those regulations, she shall not be treated as an employee for the purposes of Part V.

[<sup>F3</sup>(1A) Paragraph (1) shall have effect in relation to a woman who—

- (a) is under the age of 16; and
- (b) would or, as the case may be, would not have been treated as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations 1978 had she been over that age,

as it has effect in relation to a woman who is, or, as the case may be, is not so treated.]

(2) Any woman who is in employed earner's employment within the meaning of the 1975 Act under a contract of apprenticeship shall be treated as an employee for the purposes of Part V.

(3) A woman who is in employed earner's employment within the meaning of the 1975 Act but whose employer—

- (a) does not fulfil the conditions prescribed in regulation 119(1)(b) of the Social Security (Contributions) Regulations 1979(2) as to residence or presence in Great Britain, or
- (b) is a woman who, by reason of any international treaty to which the United Kingdom is a party or of any international convention binding the United Kingdom—
  - (i) is exempt from the provisions of the 1975 Act, or
  - (ii) is a woman against whom the provisions of that Act are not enforceable,shall not be treated as an employee for the purposes of Part V of the 1986 Act.

##### Textual Amendments

- F1** Words in reg. 17(1) inserted (1.10.2006) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 1(1), [Sch. 8 para. 53\(2\)\(a\)](#)
- F2** Words in reg. 17(1) omitted (1.10.2006) by virtue of [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 1(1), [Sch. 8 para. 53\(2\)\(b\)](#)

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(1) , amended by S.I. 1980/1713 and 1984/350.

(2) , to which there are amendments not relevant to these regulations.

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**F3** Reg. 17(1A) substituted (6.4.2007) by The Employment Equality (Age) (Consequential Amendments) Regulations 2007 (S.I. 2007/825), regs. 1, **6(2)**

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