
STATUTORY INSTRUMENTS

2006 No. 2379

**The Statutory Maternity Pay, Social Security
(Maternity Allowance) and Social Security
(Overlapping Benefits) (Amendment) Regulations 2006**

Amendment of the Statutory Maternity Pay Regulations

3.—(1) The Statutory Maternity Pay Regulations are amended as follows.

(2) For regulation 2 (the maternity pay period) substitute—

“2.—(1) Subject to paragraphs (3) to (5), where—

- (a) a woman gives notice to her employer of the date from which she expects his liability to pay her statutory maternity pay to begin; and
- (b) in conformity with that notice ceases to work for him in a week which is later than the 12th week before the expected week of confinement,

the first day of the maternity pay period shall be the day on which she expects his liability to pay her statutory maternity pay to begin in conformity with that notice provided that day is not later than the day immediately following the day on which she is confined.

(2) The maternity pay period shall be a period of 39 consecutive weeks.

(3) In a case where a woman is confined—

- (a) before the 11th week before the expected week of confinement; or
- (b) after the 12th week before the expected week of confinement and the confinement occurs on a day which precedes that mentioned in a notice given to her employer as being the day on which she expects his liability to pay her statutory maternity pay to begin,

section 165 of the Contributions and Benefits Act shall have effect so that the first day of the maternity pay period shall be the day following the day on which she is so confined.

(4) In a case where a woman is absent from work wholly or partly because of pregnancy or confinement on any day—

- (a) which falls on or after the beginning of the 4th week before the expected week of confinement; but
- (b) not later than the day immediately following the day on which she is confined,

the first day of the maternity pay period shall be the day following the day on which she is so absent.

(5) In a case where a woman leaves her employment—

- (a) at any time falling after the beginning of the 11th week before the expected week of confinement and before the start of the maternity pay period, but
- (b) not later than the day on which she is confined,

the first day of the maternity pay period shall be the day following the day on which she leaves her employment.”.

(3) After regulation 9 (no liability to pay statutory maternity pay) insert—

“Working for not more than 10 days in the Maternity Pay Period

9A. In a case where a woman does any work under a contract of service with her employer on any day, but for not more than 10 days (whether consecutive or not), during her maternity pay period, statutory maternity pay shall continue to be payable to the employee by the employer.”.

(4) For regulation 28 (rounding to avoid fractional amounts) substitute—

“28. Where any payment of statutory maternity pay is paid for any week or part of a week and the amount due includes a fraction of a penny, the payment shall be rounded up to the next whole number of pence.”.