

**2002 No. 358 (C. 30)**

**SOCIAL SECURITY**

**The Social Security (2002 Act) (Commencement No. 2 and  
Transitional and Saving Provisions) Order  
(Northern Ireland) 2002**

*Made - - - - - 22nd November 2002*

The Department for Social Development, in exercise of the powers conferred on it by section 9(1) and (2) of the Social Security Act (Northern Ireland) 2002(a) and of all other powers enabling it in that behalf, hereby makes the following Order:

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Social Security (2002 Act) (Commencement No. 2 and Transitional and Saving Provisions) Order (Northern Ireland) 2002.

(2) In this Order “the Act” means the Social Security Act (Northern Ireland) 2002.

**Appointed days**

**2.** The day appointed for the coming into operation of –

- (a) paragraph 8 of Schedule 1 to the Act, paragraph 5 of that Schedule in so far as it relates to that paragraph and section 8(1) in so far as it relates to those paragraphs, is 24th November 2002;
- (b) the provisions of the Act specified in Part I of the Schedule in so far as not already in operation, is 24th November 2002; and
- (c) the provisions of the Act specified in Part II of the Schedule, is 6th April 2003.

**Transitional and saving provisions**

**3.**—(1) The amendments to the Contributions and Benefits Act made by sections 1, 3 and 4(1)(b) and (2) of the Act and the repeal specified in Part I of the Schedule shall take effect only in relation to a woman whose expected week of confinement commences on or after 6th April 2003.

(2) The amendment to section 162 of the Contributions and Benefits Act made by section 2 of the Act (rate of statutory maternity pay) shall not have effect in relation to a woman –

- (a) whose maternity pay period commences before 6th April 2003;
- (b) who is entitled to statutory maternity pay at the rate of £75 a week immediately before that date; and
- (c) who would be entitled to statutory maternity pay at a rate lower than £75 a week if the amendment had effect in relation to her.

(3) The amendment to section 35A of the Contributions and Benefits Act made by section 4(1)(a) of the Act (rate of maternity allowance) shall not have effect in relation to a woman –

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(a) 2002 c. 10 (N.I.)

- (a) whose maternity allowance period commences before 6th April 2003;
- (b) who is entitled to maternity allowance at the rate of £75 a week immediately before that date; and
- (c) who would be entitled to maternity allowance at a rate lower than £75 a week if the amendment had effect in relation to her.

Sealed with the Official Seal of the Department for Social Development on 22nd November 2002.

(L.S.)

*John O'Neill*  
Senior Officer of the Department for Social Development

SCHEDULE

Article 2

PART I

PROVISIONS COMING INTO OPERATION ON 24TH NOVEMBER 2002

<i>Provisions of the Act</i>	<i>Subject Matter</i>
Section 1	Maternity pay period
Section 3	Entitlement to statutory maternity pay
Section 4(1)(b) and (2)	Rate of maternity allowance
The following repeal in Schedule 2 and section 8(2) in so far as it relates to it – in section 160(2)(a) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), the words “, wholly or partly because of pregnancy or confinement”	Repeals

PART II

PROVISIONS COMING INTO OPERATION ON 6TH APRIL 2003

<i>Provisions of the Act</i>	<i>Subject Matter</i>
Section 2, in so far as not already in operation	Rate of statutory maternity pay
Section 4(1)(a) and (c)	Rate of maternity allowance
Paragraphs 1 to 4 of Schedule 1 and section 8(1) in so far as it relates to those paragraphs	Minor and consequential amendments
The following repeal in Schedule 2 and section 8(2) in so far as it relates to it – Article 50(2)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(b)	Repeals

(a) 1992 c. 7  
(b) S.I. 1999/3147 (N.I. 11)

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order provides for the coming into operation of provisions of the Social Security Act (Northern Ireland) 2002 as follows –

24th November 2002 for a provision relating to the sharing of functions as regards certain claims and information;

24th November 2002 for provisions, in so far as not already in operation, relating to the maternity pay period, entitlement to statutory maternity pay, the rate of maternity allowance and a consequential repeal; and

6th April 2003 for provisions relating to the rate of statutory maternity pay, in so far as not already in operation, and the rate of maternity allowance and consequential amendments and repeals.

Article 3 makes transitional and savings provisions.

## NOTE AS TO EARLIER COMMENCEMENT ORDER

*(This note is not part of the Order.)*

The following provisions of the Social Security Act (Northern Ireland) 2002 have been brought into operation by the Social Security (2002 Act) (Commencement No. 1) Order (Northern Ireland) 2002 (S.R. 2002 No. 351 (C. 28)) as from the dates shown.

<i>Provision</i>	<i>Date of Commencement</i>
Sections 1 to 3 and 4(1)(b) and (2) (partially)	19.11.2002
Section 6	19.11.2002
Schedule 2 (partially)	19.11.2002

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