
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 102

**The Social Security (Maternity Allowance)
(Participating Wife or Civil Partner of Self-employed
Earner) Regulations (Northern Ireland) 2014**

Amendment of the Social Security Contributions and Benefits (Northern Ireland) Act

2.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992 is amended in accordance with paragraphs (2) to (5).

(2) In section 21(1)(1) (contribution conditions) after “section 35” insert “or 35B”.

(3) In section 35 (state maternity allowance)—

(a) in the heading after “allowance” insert “for employed or self-employed earner”;

(b) in subsections (1), (2), (3)(a), (3)(b)(i) and (ii), (4) and (5) after “a maternity allowance” insert “under this section”; and

(c) in subsection (7) after “maternity allowance” insert “under this section”.

(4) In section 35A(2) (appropriate weekly rate of maternity allowance) in the heading, after “allowance” insert “under section 35”.

(5) After section 35A insert—

“State maternity allowance for participating wife or civil partner of self-employed earner

35B.—(1) A woman (W) shall be entitled to a maternity allowance under this section, at the weekly rate given by subsection (3), if—

(a) W 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) for any part of the week in the case of at least 26 of the 66 weeks immediately preceding the expected week of confinement, W has worked with a person (S) who at the time of her doing so—

(i) was her spouse or civil partner, and

(ii) was engaged in employment as a self-employed earner; and

(c) S is liable to pay a class 2 contribution in respect of the 26 weeks referred to in paragraph (1)(b); and

(d) W is not entitled to a maternity allowance under section 35, or statutory maternity pay, for the same week in respect of the same pregnancy.

(1) Section 21(1) was amended by paragraph 3(2) of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), paragraphs 20 and 29(2) of Schedule 8 and paragraph 6 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(2) Section 35A was inserted by Article 50(3) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and amended by section 4(1) and paragraph 3 of Schedule 1 to the Social Security Act (Northern Ireland) 2002

(2) In this section—

- (a) a reference to W working with S is a reference to W participating in the activities engaged in by S as a self-employed earner, performing the same tasks or ancillary tasks, without being employed by S or being in partnership with S; and
- (b) a reference to W ceasing to work with S is a reference to W ceasing to do so either permanently or until after her confinement.

(3) The rate of allowance under this section for any particular week is 90 per cent. of the amount of the maternity allowance threshold for the tax year in which the week ends.

(4) Subject to subsections (10) and (11), a maternity allowance under this section shall be payable for the period of 14 weeks (“the 14-week period”) beginning as set out in subsection (5), (6), (7) or (8) (whichever applies).

(5) If W ceases to work with S before the commencement of the 11th week before the expected week of confinement, the 14-week period begins with the commencement of the 11th week before the expected week of confinement.

(6) If W ceases to work with S on a day that falls within the period beginning with the commencement of the 11th week before the expected week of confinement and ending with the end of the 5th week before the expected week of confinement, the 14-week period begins immediately after that day.

(7) If on a day that falls within the period beginning with the commencement of the 4th week before the expected week of confinement and ending with the date of confinement—

- (a) W ceases to work with S, or
- (b) she refrains from working with S wholly or partly because of her pregnancy or confinement,

the 14-week period begins immediately after the day on which she ceases or refrains.

(8) If none of subsections (5) to (7) applies, the 14-week period begins immediately after the date of confinement.

(9) In relation to maternity allowance under this section, a reference in a provision contained in or made under any enactment to the maternity allowance period shall be read as a reference to the 14-week period.

(10) Subsections (4) to (7) of section 35 have effect for the purposes of this section as they have effect for the purposes of that section (reading references to the maternity allowance period as references to the 14-week period).

(11) Regulations under section 35 may make provision for the purposes of this section corresponding or similar to the provision that may be made by virtue of subsection (3)(a), (b) or (c) of that section.”