

Regulations made by the Department for Social Development and laid before the Assembly under Article 37(2) of the Jobseekers (Northern Ireland) Order 1995, for approval of the Assembly before the expiration of 6 months from the date of their coming into operation.

STATUTORY RULES OF NORTHERN IRELAND

2014 No. 226

SOCIAL SECURITY

The Jobseeker's Allowance (Maternity Allowance) (Amendment) Regulations (Northern Ireland) 2014

Made - - - - 15th September 2014

Coming into operation 16th September 2014

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 3(2C), 8(4) and 36(2)(a) of, and paragraph 3 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995⁽¹⁾, and now vested in it⁽²⁾.

Citation, commencement and interpretation

1. These Regulations may be cited as the Jobseeker's Allowance (Maternity Allowance) (Amendment) Regulations (Northern Ireland) 2014 and shall come into operation on 16th September 2014.

Amendment of the Jobseeker's Allowance Regulations

2. (1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996⁽³⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 3E(2)(h)⁽⁴⁾ (entitlement of a member of a joint-claim couple to a jobseeker's allowance without a claim being made jointly by the couple) after "section 35" insert or "35B".

(3) For regulation 15(1)(c)⁽⁵⁾ (circumstances in which a person is not to be regarded as available) substitute—

(1) [S.I. 1995/2705 \(N.I. 15\)](#); Article 3(2C) was inserted by paragraph 3(3) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 ([S.I. 1999/3147 \(N.I. 11\)](#)) and Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 ([S.I. 1999/671](#))

(2) See Article 8(b) of [S.R. 1999 No. 481](#)

(3) [S.R. 1996 No. 198](#); relevant amending Regulations are [S.R. 2000 No. 350](#), [S.R. 2002 No. 236](#) and [S.R. 2008 No. 290](#)

(4) Regulation 3E was inserted by regulation 2(2) of [S.R. 2000 No. 350](#); paragraph (2) was amended by regulation 2(b)(i) of [S.R. 2002 No. 236](#) and in other ways that are not relevant to these Regulations

(5) Regulation 15 was amended by regulation 3(2) of [S.R. 2008 No. 290](#) and in other ways that are not relevant to these Regulations

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- “(c) “(c) if she is in receipt of maternity allowance under section 35 or 35B of the Benefits Act or maternity pay in accordance with sections 160 to 167 of that Act.”.
- (4) In regulation 48(2)(c) (linking periods) after “section 35” insert “or 35B”.

Sealed with the Official Seal of the Department for Social Development on 15th September 2014

Anne McCleary
A senior officer of the Department for Social
Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2(5) of the Social Security (Maternity Allowance) (Participating Wife or Civil Partner of Self-employed Earner) Regulations (Northern Ireland) 2014 ([S.R. 2014 No. 102](#)) inserted new section 35B (state maternity allowance for participating wife or civil partner of self-employed earner) into the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (“the 1992 Act”). Section 35B provides an entitlement to maternity allowance for women who work with a spouse or civil partner who is engaged in self-employment. This implements Article 8 of Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity (OJNo. L 180, 15.7.2010, p. 1) in respect of the women referred to in Article 2(b) of the Directive. Section 35 (state maternity allowance) of the 1992 Act provides for the payment of maternity allowance to women who are employed or self-employed earners.

Regulation 2 of these Regulations amends the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 to make minor amendments to take account of the introduction of maternity allowance under section 35B.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 ([c.8](#)), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.