EXPLANATORY MEMORANDUM TO

The Social Security and Statutory Maternity Pay (Evidence of Pregnancy) (Amendment) Regulations (Northern Ireland) 2026

S.R. 2026 No. 44

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above), which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under sections 5(1)(j), 13(1)(a) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule amends Schedule 2 to the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976 and the Schedule to the Statutory Maternity Pay (Medical Evidence) Regulations (Northern Ireland) 1987 to allow claimants to submit a copy of their proof of pregnancy (MATB1) certificate instead of the original.

3. Background

3.1 There are two types of maternity pay available to pregnant working women, Statutory Maternity Pay, paid by employers to qualifying employed women and Maternity Allowance, paid by the Department for Communities to eligible women (including the self-employed and women in employment who are not eligible for Statutory Maternity Pay). The qualifying conditions for both are generally based on a woman's recent employment and earnings. To provide sufficient evidence of pregnancy for both, a woman must usually supply a MATB1 certificate (a paper form issued by a doctor or midwife).

3.2 The relevant evidential regulations currently require that a MATB1 is signed in ink or other indelible substance by a doctor or midwife, inferring that original documents must be provided to enable decision makers or employers to verify that the certificate has been signed in an appropriate medium. The amended legislation will remove this requirement and effectively permit the provision of a copy of a MATB1 to support an online application. This will ultimately allow the Department for Communities to give all Maternity Allowance claimants the option to apply online, improving claim timescales and streamlining the claim process. Making parallel amendments across Maternity Allowance and Statutory Maternity Pay will avoid confusion for claimants by ensuring that women claiming either payment are subject to the same evidence rules for proof of pregnancy.

3.3 The online option for applying for Maternity Allowance will sit alongside and complement the existing application method.

4. Consultation

4.1. No consultation was considered necessary as the proposed legislative changes make provision to extend available options for claimants to Maternity Allowance and no one will be disadvantaged by the changes.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on these legislative proposals and has concluded they do not have significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. These Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities, social enterprises or voluntary bodies.

7. Financial Implications

7.1. None for the Department.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that the Rule complies with that provision.

9. EU Implications

9.1. Not applicable

10. Parity or Replicatory Measure

10.1. This Statutory Rule mirrors the provisions of the Social Security and Statutory Maternity Pay (Evidence of Pregnancy and Compensation of Employers) (Amendment) Regulations 2026 (S.I. 2026/**) in Great Britian, which was made on ** March 2026 and came into force on 1st April 2026 and is in keeping with the principle of parity between Northern Ireland and Great Britain in matters of social security.

11. Additional Information

11.1. Internal guidance for staff at the Department for Communities will be updated to take account of these changes.