1987 No. 417

SOCIAL SECURITY

The Social Security (Maternity Allowance) (Work Abroad) Regulations 1987

Made - - - -	*12th March 1987*
Laid before Parliament	*16th March 1987*
Coming into force	*6th April 1987*

The Secretary of State for Social Services, in exercise of the powers conferred by section 131 of and Schedule 20 to the Social Security Act 1975**(a)** and of all other powers enabling him in that half, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it**(b)**, hereby makes the following Regulations;

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Maternity Allowance) (Work Abroad) Regulations 1987 and shall come into force on 6th April 1987.

(2) In these Regulations–

"the Act" means the Social Security Act 1975;

"the Contributions Regulations" means the Social Security (Contributions) Regulations 1979**(c)**

Special provision for certain persons who have been employed abroad

2.—(1) This regulation applies, subject to paragraph (5), for the purpose of determining entitlement to a maternity allowance in respect of a woman who–

(a) has been absent from Great Britain;

(b) has returned to Great Britain; and

(c) throughout the whole period of her absence was ordinarily resident in Great Britain.

(2) ►Where a woman has paid, or is treated as having actually paid, Class 1 contributions under the Act either◄

Words in reg. 2(2) substituted by reg. 2(2)(a) of S.I. 2000/691 as from 2.4.2000.

(a) to the full extent of her liability under regulation 120 of the Contributions Regulations; or

(b) in respect of the first 52 weeks of her employment abroad by virtue of either–

(i) an Order in Council made under section 143 of the Act (reciprocity with countries outside the United Kingdom), or

(a) 1975 c. 14; Schedule 20 is an interpretation provision and is cited because of the meaning ascribed to the words "prescribed" and "regulations".

(b) *See* section 10(2)(b) of the Social Security Act 1980 (c. 30).

(c) S.I. 1979/591.

(ii) Council Regulation No. 1408/71 EEC**(a)** (application of social security scheme to employed persons and their families moving within the Community),

and employment by reference to which the liability arose continued throughout the first 52 weeks after the commencement of that liability, she shall be treated for any week in which she was in fat engaged in gainful employment as having been engaged in employment as an employed earner▶and for any such week, and for any weeks following the period of that liability and before the date of her return to Great Britain so far as those weeks are relevant to her claim for maternity allowance, as having received an amount of specified payments for the purposes of section 35A(4) **(b)** of the Social Security Contributions and Benefits Act 1992 equal to the lower earnings limit in force on the last day of that week◀

(a)Words in reg 2(2), (3), (4) and (6) substituted and omitted by reg. 2 of S.I. 2000/ 691 as from 2.4.2000.

(3) Where–

(a) a woman would have been liable to pay Class 1 contributions ▸◂ under regulation 120 of the Contributions Regulations but for the provisions of a Order in Council made under section 143 of the Act;

(b) in relation to her case the Order does not provide for periods of insurnace, employment or residence in the other country to which the Order relates to be taken into account in determining entitlement to benefit; and

(c) the employment by reference to which she would have been liable under that regulation continued throughout the first 52 weeks.

she shall be treated for any week during her absence in which she was in fact engaged in gainful employment as having been engaged in employment as an employed earner ▸and for each week of her absence as having received an amount of specified payments for the purposes of section 35A(4) of the Social Security Contributions and Benefits Act 1992 equal to the lower earnings limit in force on the last day of that week. ◂

(4) Where–

(a) a woman would have been liable to pay Class 1 contributions ▸◂ under regulation 120 of the Contributions Regulations but for the provisions of either an Order in Council made under section 143 or Council Regulation No. 1408/71/EEC;

(b) the employment by reference to which she would have been liable under regulation 120 continued throughout the first 52 weeks from the time the liability would have commenced; and

(c) the Order or the Council Regulation, as the case may be, provides for aggregation of periods of insurance, employment or residence only if an insurance period has been completed since her return to Great Britain, and an insurance period has not been so complete,

any period of insurnace or employment in the other country to which that Order or Council Regulation, as the case may be, relates which falls in the ▶66 weeks immediately preceding◀ the expected week of confinement shall be treated as a period in respect of which she was engaged in employment as an employed earner ▶and in each week of which she received an amount of specified payments for the purposes of section 35A(4) of the Social Security Contributions and Benefits Act 1992 equal to the lower earnings limit in force on the last day of that week◀

Words in reg. 2(4) substituted by reg. 8 of S.I. 1994/1367, under powers effective where expected week of confinement begins on or after 16.10.94. See note (a) above.

(5) Paragraphs (2) (except in a case to which paragraph 2(a) applies), (3) and (4) shall not apply in relation to a claim for maternity allowance for any day in respect of which the woman concerned is entitled to a corresponding benefit under the social security scheme of the country in which she was employed.

(a) O.J. No. L.230, 22.8.83

(b) Section 35(a) was inserted by section 53(3) of the Welfare Reform and Pensions Act 1999 (c. 30)

(6) Where a woman satisfies the requirements of paragraph 3(a) or (4)(a) but the employment did not continue for 52 weeks, she shall be treated in respect of those weeks in which her employment did continue as having been engaged in employment as an employed earner ►and as having received an amount of specified payments for the purposes of section 35A(4) of the Social Security Contributions and Benefits Act 1992 equal to the lower earnings limit in force on the last day of each of those weeks.◄

Words in reg. 2(6) substituted by reg. 2 of S.I. 2000/691 as from 2.4.00.

Signed by authority of the Secretary of State for Social Services.

John Major
Minister of State
12th March 1987 Department of Health and Social Security

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations, which come into force on 6th April 1987, enable women who are ordinarily resident in Great Britain but who have worked abroad in the 12 months immediately preceding the 14th week before the expected week of confinement, to satisfy, in specified circumstances, certain of the requirements for a maternity allowance. These requirements are that the woman must have been engaged in employment as an employed or self-employed earner for a least 26 weeks in the 52 weeks preceding the 14th week before the expected week of confinement, and that she must have paid national insurance contributions at the appropriate rate for a similar number of weeks within that period. In particular the Regulations provide that employment in another member State of the European Community will count towards the satisfaction of these requirements except where the woman is entitled to corresponding benefits under the social security system of the country in which she was employed (regulation 2(5)).