



Statutory Document No. 73/05

THE SOCIAL SECURITY ACT 2000  
**THE SOCIAL SECURITY LEGISLATION (APPLICATION)  
(AMENDMENT) (No. 2) ORDER 2005**

*Approved by Tynwald*

*16<sup>th</sup> March 2005*

*Coming into operation in accordance with Article 1*

In exercise of the powers conferred on the Department of Health and Social Security by section 1 of the Social Security Act 2000(a), and of all other enabling powers, the following Order is hereby made:-

**Citation and commencement**

1. This Order may be cited as the Social Security Legislation (Application) (Amendment) (No. 2) Order 2005 and shall, subject to section 2(1) of the Social Security Act 2000, come into force on 1<sup>st</sup> April 2005.

**Amendment of the Social Security Legislation (Application) (No. 6) Order 1988 (G.C. 109/88)**

2. (1) Amend the Social Security Legislation (Application) (No. 6) Order 1988 in accordance with the following paragraphs.

(2) In Schedule 4 to that Order (which sets out the exceptions, adaptations and modifications subject to which the Social Security (Maternity Allowance) Regulations 1987 (S.I. 1987/416) have effect in the Isle of Man), immediately before the entry relating to the Schedule to those Regulations insert -

“3      Modification of the      After paragraph (1) insert -  
          maternity allowance  
          period                              “(1A) Where -

(a) a woman is confined before the 11<sup>th</sup> week before the expected week of confinement, or

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(a) 2000 c.5.

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- (b) is confined after the 12<sup>th</sup> week before the expected week of confinement and the confinement occurs in a week which precedes that mentioned in a notice given to her employer as being the week she intends to give up work,

the first week in the maternity allowance period shall be the week commencing on the day after the day on which she is confined.

(1B) Subject to paragraph (1C), where a woman is absent from work wholly or partly because of pregnancy or confinement on any day which falls -

- (a) on or after the beginning of the 4<sup>th</sup> week before the expected week of confinement, but
- (b) not later than the week immediately following the week in which she is confined,

the first week of the maternity allowance period shall be the week beginning on the day following the day on which she is so absent.

(1C) In a case where a woman leaves her employment at any time falling -

- (a) after the beginning of the 11<sup>th</sup> week before the expected week of confinement and before the start of the maternity allowance period; but
- (b) not later than the week immediately following the week in which she is confined,

the first week of the maternity allowance period shall be the week after the week in which her employment ends.

(1D) "week" for the purposes of a maternity pay period which falls within paragraphs (1A) or (1B) above means a period of 7 consecutive days.



Minister for Health and Social Security

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### EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order, which comes into force on 1<sup>st</sup> April 2005, amends the Social Security (Maternity Allowance) Regulations 1987 (as those Regulations of the United Kingdom Parliament have effect in the Isle of Man) (“the Maternity Allowance Regulations”).
2. It does so by providing that the usual rule that a woman’s maternity allowance period (i.e., the period of up to 26 weeks for which any maternity allowance is payable to her) shall begin in the 11<sup>th</sup> week before the one in which she is expected to give birth shall not apply in the following circumstances.

**Child is born before the 11<sup>th</sup> week before the expected week of birth (new regulation 3(1A)(a) of the Maternity Allowance Regulations)**

The maternity allowance period shall begin on the day after the day the baby is born.

**Child is born after the 12<sup>th</sup> week before the expected week of birth and the birth occurs in a week before the one in which the mother told her employer that she intended to give up work (new regulation 3(1A)(b))**

The maternity allowance period shall also begin on the day after the day the baby is born.

**Woman is absent from work due to pregnancy or having given birth between the 4<sup>th</sup> week before the expected week of birth and the week following the one in which she gave birth (new regulation 3(1B) of the Maternity Allowance Regulations)**

The maternity allowance period shall begin on the day after the woman is absent from work.

**Woman leaves work between the 11<sup>th</sup> week before the expected week of birth and the week following the one in which she gave birth (new regulation 3(1C))**

The maternity allowance period shall begin in the week after the week her employment ends.