

**2002 No. 225**

**SOCIAL SECURITY**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Statutory Maternity Pay (Compensation of Employers) Amendment Regulations 2002**

*Made* - - - - - *5th February 2002*

*Laid before Parliament* *8th February 2002*

*Coming into force* - - *6th April 2002*

The Secretary of State for Work and Pensions, in exercise of powers conferred by sections 167(1)(c) and (1B)(a), 171(1) and 175(1) to (3) of the Social Security Contributions and Benefits Act 1992(a), sections 163(1)(c), (1B)(a) and (5) and 171(1), (3) and (10) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Statutory Maternity Pay (Compensation of Employers) Amendment Regulations 2002.

(2) These Regulations shall come into force on 6th April 2002 and shall have effect in relation to payments of statutory maternity pay made on or after that date.

(3) In these Regulations—

“the principal GB Regulations” means the Statutory Maternity Pay (Compensation of Employers) and Miscellaneous Amendment Regulations 1994(c);

“the principal NI Regulations” means the Statutory Maternity Pay (Compensation of Employers) and Miscellaneous Amendment Regulations (Northern Ireland) 1994(d).

**Amendment of the principal GB Regulations**

2.—(1) The principal GB Regulations shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In regulation 2(1) (meaning of “small employer”) for “£20,000” there shall be substituted “£40,000”.

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(a) 1992 c. 4; section 167(1)(c) was amended and section 167(1B) was inserted by regulation 5 of the Maternity Allowance and Statutory Maternity Pay Regulations 1994 (S.I.1994/1230). Section 171(1) is cited because of the meaning ascribed to the word “prescribed”. Section 175(1A) was inserted by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(b) 1992 c.7; section 163(1)(c) was amended and section 163(1B) was inserted by regulation 5 of the Maternity Allowance and Statutory Maternity Pay Regulations (Northern Ireland) 1994 (S.R. 1994 No. 176). Section 163(5) was added by paragraph 15(4) of Schedule 1, and section 171(10) was inserted by paragraph 28(3) of Schedule 3, to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671).

(c) S.I. 1994/1882; the relevant amending instruments are S.I. 1995/566 and 1999/363.

(d) S.R. 1994 No. 271; the relevant amending regulations are S.R. 1995 No. 74 and 1999 No. 65.

(3) In regulation 3 (determination of the amount of additional payment to which a small employer shall be entitled)—

(a) for “6th April 1999” there shall be substituted “6th April 2002”; and

(b) for “5 per cent.” there shall be substituted “4.5 per cent.”.

**Amendment of the principal NI Regulations**

3.—(1) The principal NI Regulations shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In regulation 2(1) (meaning of “small employer”) for “£20,000” there shall be substituted “£40,000”.

(3) In regulation 3 (amount of additional payment to which a small employer shall be entitled)—

(a) for “6th April 1999” there shall be substituted “6th April 2002”; and

(b) for “5 per cent.” there shall be substituted “4.5 per cent.”.

Signed by authority of the Secretary of State for Work and Pensions.

5th February 2002

*P. Hollis*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Statutory Maternity Pay (Compensation of Employers) and Miscellaneous Amendment Regulations 1994 (“the principal GB Regulations”) and the Statutory Maternity Pay (Compensation of Employers) and Miscellaneous Amendment Regulations (Northern Ireland) 1994 (“the principal NI Regulations”).

The principal GB Regulations and the principal NI Regulations define the meaning of the expression “small employer” by reference to the amount of an employer’s contributions payments. Regulations 2(2) and 3(2) of these Regulations substitute an amount of £40,000 for this purpose in the principal GB Regulations and the principal NI Regulations respectively.

The principal GB Regulations and the principal NI Regulations also enable an employer to recover payments of statutory maternity pay and, if he is a small employer, an additional amount in respect of such pay. Regulations 2(3) and 3(3) of these Regulations reduce the additional amount from 5 per cent. to 4.5 per cent. of the payment of statutory maternity pay in the principal GB Regulations and the principal NI Regulations respectively. This reduction takes effect from 6th April 2002.

Because these Regulations are made under section 167(1)(c) and (1B)(a) of the Social Security Contributions and Benefits Act 1992 and section 163(1)(c), (1B)(a) and (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, proposals to make them are exempt from reference to the Social Security Advisory Committee in their application to Great Britain by virtue of section 172(3) of, and paragraph 8 of Schedule 7 to, the Social Security Administration Act 1992 (c. 5) and in their application to Northern Ireland by virtue of section 149(3) of, and paragraph 8 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8).

An assessment of the costs to business of applying these Regulations has been placed in the library of both Houses of Parliament. Copies can be obtained by post from the Department for Work and Pensions, Public Enquiries, Room 113, Adelphi, 1–11 John Adam Street, London WC2N 6HT.

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