

# S.I. No. 87/1992 - Social Welfare (Maternity Allowance) Regulations, 1992.

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S.I. No. 87 of 1992.

SOCIAL WELFARE (MATERNITY ALLOWANCE) REGULATIONS, 1992.

The Minister for Social Welfare, in exercise of the powers conferred on him by sections 3, 24, 26 and 27 of the Social Welfare (Consolidation) Act, 1981 (No. 1 of 1981 ), hereby makes the following Regulations:—

## PART I *General*

1 Short title. **1.** These Regulations may be cited as the Social Welfare (Maternity Allowance) Regulations, 1992.

2 Interpretation. **2.** (1) In these Regulations—

"the Act" means the Social Welfare (Consolidation) Act, 1981 ;

"allowance" means a maternity allowance under Chapter 3 of Part II of the Act;

"maternity leave" has the meaning assigned to it by section 24 (2) of the Act.

(2) In these Regulations a reference to "Chapter 3 of Part II of the Act" or to "section 24, 25, 26 or 27 of the Act" shall be construed as a reference to the said Chapter or the said section, as inserted by section 19 of the Social Welfare Act, 1992 .

3 Commencement. **3.** These Regulations shall come into operation on the 6th day of April, 1992.

4 Revocations. **4.** The Regulations specified in column (2) of the Schedule to these Regulations are hereby revoked to the extent specified in column (3) of that Schedule opposite the mention of those Regulations in column (2).

## PART II *Entitlement to Maternity Allowance*

5 Expected week of confinement and duration of maternity allowance in certain cases. **5.** (1) The expected week of confinement to be specified in any certificate pursuant to section 24 (1) (a) of the Act shall not be more than sixteen weeks after the week in which the certificate is given.

maternity allowance in certain cases.

(2) Where in respect of a claim to maternity allowance it is certified by a registered medical practitioner or otherwise to the satisfaction of the Minister that a woman has been confined, and no such certificate as is referred to in paragraph (a) of section 24 (1) of the Act has been given, the said paragraph shall for the purpose of that claim, be modified and shall apply as if the said paragraph required that it had been certified by a registered medical practitioner or otherwise to the satisfaction of the Minister that the woman concerned had been confined.

(3) In the case of a woman to whom sub-article (2) of this article applies, maternity allowance shall, subject to article 9 of these Regulations, be payable for such 14 week period as may be determined by a deciding officer.

6 Determination of income tax year and prescribed weekly amount for the purposes of maternity allowance. **6.** (1) The income tax year prescribed for the purposes of section 26 of the Act shall be the last complete income tax year before the beginning of the benefit year in which the first day of maternity leave occurs.

(2) The prescribed amount for the purposes of paragraph (b) of section 26 (1) of the Act shall be £60.

7 Calculation of reckonable weekly earnings. **7.** For the purposes of paragraph (a) of section 26 (1) of the Act, the reckonable weekly earnings of a woman for any income tax year shall be calculated as one-fiftieth part of the amount of her reckonable earnings for that income tax year, fractions of a pound being disregarded.

8 Medical examination to decide a question as to correctness of certificate. **8.** (1) Where any question arises as to the correctness of a certificate by virtue of which a woman claims or is entitled to a maternity allowance, she shall, unless the confinement has already occurred, on receipt of not less than three clear days notice in writing given by the Minister, submit herself to medical examination at such time and place as may be specified in the notice with a view to obtaining a further certificate.

(2) Notice of the time and place of the medical examination referred to in sub-article (1) of this article shall also be sent to the registered medical practitioner (if any) who is attending to the woman required to submit herself to such examination.

(3) Any reasonable and necessary travelling and subsistence expenses incurred by a woman in attending for, or submitting herself to, medical examination under sub-article (1) of this article shall be paid by the Minister, who shall determine in any particular case what is a reasonable and necessary amount of expenses.

9 Disqualification **9.** A woman shall be disqualified for receiving maternity allowance for such period as for receiving maternity allowance may be determined by a deciding officer—  
maternity allowance.

( a ) if, during the period for which the allowance is payable, she engages in any occupation other than domestic duties in her own household:

Provided that such disqualification shall commence not earlier than the first day on which she engages in such occupation and that, in respect of any such occupation in which she engages before the confinement, she shall not be so disqualified for the day on which the confinement occurs or any day thereafter, or

( b ) if she fails without good cause to attend for or to submit herself to medical examination in accordance with sub-article (1) of article 8 of these Regulations:

Provided that such disqualification shall commence not earlier than the day on which the failure occurs and that, in the event of her being confined after such failure, she shall not by reason of such failure be so disqualified for the day on which the confinement occurs or any day thereafter.

10 Information **10.** Where a claim for maternity allowance is made by a woman, her employer shall, on to be supplied by being so required by the Minister, furnish to the Minister the following information employer. relating to that woman—

( a ) whether she is, immediately before the first day of maternity leave, an employed contributor,

( b ) the date of commencement and, where the employment has ceased, the date of cessation of employment with that employer,

( c ) the nature of her employment,

( d ) the amount of gross earnings derived by the woman from her employment with the employer in respect of any period,