1975 No. 107

SOCIAL SECURITY

The Social Security (Maternity Benefit) Regulations (Northern Ireland) 1975

Made . . . . . *4th April* 1975

Coming into operation . . . . *6th April* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 17(2), 21(4) and (5), 22(1) and (6) to (9), 33 and 79(4) of the Social Security (Northern Ireland) Act 1975(**a**), and section 2 of, and paragraph 3 of Part I of Schedule 3 to, the Social Security (Consequential Provisions) Act 1975(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Maternity Benefit) Regulations (Northern Ireland) 1975 and shall come into operation on 6th April 1975.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Social Security (Northern Ireland) Act 1975;

"determining authority" means, as the case may require, an insurance officer, a local tribunal or a Commissioner by whom the relevant question falls to be determined under Part III of the Act;

"expected week of confinement" means, in relation to a woman who is pregnant, the week in which it is to be expected that she will be confined and, in relation to a woman who has been confined, the week in which it was to have been expected that she would be confined;

and other expressions have the same meanings as in the Act.

(3) Unless the context otherwise requires, any reference in these regulations—

(*a*) to a numbered section or Schedule is to the section of or, as the case may be, the Schedule to the Act bearing that number;

(*b*) to a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;

(*c*) to any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**c**) shall apply for the purposes of the interpretation of this statutory rule as they apply for the purposes of the interpretation of an Act of Parliament.

(**a**) 1975 c. 15
(**b**) 1975 c. 18
(**c**) 1889 c. 63

Maternity grants in respect of multiple births

2. A woman who has given birth to twins or a greater number of children shall, if the other conditions for the payment of a maternity grant are satisfied in respect of the confinement, be entitled to a maternity grant for each child who has lived for at least 12 hours after being born; but it shall be a condition for such entitlement that she makes a claim for the grant before the expiration of the prescribed time for making a claim for it and furnishes sufficient evidence as to the number of the children who lived for at least 12 hours after being born.

Maternity grant in respect of expectation of confinement

3. Where a woman makes a claim for a maternity grant and indicates in it that she wishes that the provisions of section 21 (which confers title to a maternity grant) shall apply to her with the substitution, for the condition that she has been confined, of the condition that she is pregnant and has reached a stage in her pregnancy which is not more than 11 weeks before the expected week of confinement, then—

(*a*) that section shall so apply to her in relation to that claim; and

(*b*) the contribution conditions for a maternity grant as set out in paragraph 2 of Part I of Schedule 3 shall apply in her case as if, for sub-paragraph (4)(*a*) of that paragraph, there were substituted the following—

"(*a*) "the relevant time" is the beginning of the week in which it is to be expected that the claimant will be confined or, where the relevant person is the husband and he was dead or over pensionable age when the claim was made, the date of his attaining pensionable age or dying under that age.".

Conditions attaching to a maternity allowance in respect of expectation of confinement

4.—(1) For the purposes of section 22(1)(*a*) (which specifies, as a condition of a woman's entitlement to a maternity allowance, the condition that she shall have reached a stage in her pregnancy which is not more than the prescribed number of weeks before the expected week of confinement), the prescribed number of weeks shall be 14.

(2) A woman who has become entitled to a maternity allowance in respect of expectation of her confinement shall cease to be entitled to it if, before the beginning of the 11th week before the expected week of confinement, her pregnancy is terminated otherwise than by confinement.

(3) A woman who has made a claim for a maternity allowance in respect of expectation of her confinement shall, on receipt of not less than 3 clear days' notice in writing given by or on behalf of the Department, submit herself to medical examination at such time and place as may be specified in the notice, unless she has been confined by then.

Duration of a maternity allowance in respect of expectation of confinement

5.—(1) Where a woman makes a claim for a maternity allowance in expectation of confinement (other than a claim which is disallowed) and she is confined more than 11 weeks before the expected week of confinement, section 22(2) (which specifies the maternity allowance period) shall have effect as if the maternity allowance period were the period of 18 weeks beginning with the week in which she was confined.

(2) Subject to paragraph (3), where a woman has become entitled to a maternity allowance in expectation of her confinement and the date of the confinement has not occurred before the end of the expected week of confinement—

(*a*) if she has not been confined before the end of the maternity allowance period, it shall be extended for a period of 6 weeks and thereafter if and so long as she has still not been confined, be further extended for a like period at intervals of 6 weeks; and

(*b*) if she was confined before the end of the maternity allowance period, or before the end of that period as extended or further extended in accordance with sub-paragraph (*a*), it shall be extended or further extended until the end of the 6th week after the week in which she was confined.

(3) No extension or further extension shall be made in accordance with paragraph (2)(*a*) unless—

(*a*) the beneficiary gives to the Department written notice, in such form as is approved by it for the purpose, that it is still to be expected that she will be confined or (as the case may be) that she has been confined; and

(*b*) that notice is given before the expiration of 6 weeks, or such longer period, not exceeding 3 months, as the determining authority may for good cause allow, calculated—

(i) in a case falling within paragraph (2)(*a*), from the end of the maternity allowance period or that period as extended or further extended; or

(ii) in a case falling within paragraph (2)(*b*), from the end of the week in which she was confined; and

(*c*) the beneficiary thereafter furnishes sufficient evidence in confirmation of her notice.

Conditions for, and duration of, a maternity allowance by virtue of the fact of confinement

6.—(1) In relation to a case where a woman has been confined without having previously made a claim for a maternity allowance in expectation of the confinement (other than any claim which has been disallowed)—

(*a*) section 22(1) shall have effect as if, for the condition for entitlement to a maternity allowance contained in paragraph (*a*) of that section, there were substituted the condition that the woman has been confined;

(*b*) for the purposes of section 22 (and not for the purposes of the relevant contribution conditions), subsection (2) shall (subject to the following provisions of this regulation) have effect as if, for the period mentioned in it, there were substituted the period of 7 weeks beginning with the week in which she was confined;

(*c*) for the purposes of the relevant contribution conditions, subsection (2) of that section shall have effect as if, for the words "expected week of confinement" there were substituted the words "week in which she was confined".

(2) Where, in any case mentioned in paragraph (1) (not being a case to which paragraph (3) applies), the woman—

(*a*) was confined before the expected week of confinement;

(*b*) failed to make, before her confinement, a claim for a maternity allowance in respect of expectation of the confinement; and

(*c*) makes a claim for a maternity allowance by virtue of the fact that she has been confined,

section 22(2) shall, in relation to that case, have effect as if, for the period mentioned in it, there were substituted a reference—

(i) where she was confined more than 11 weeks before the expected week of confinement, to the period of 18 weeks beginning with the week in which she was confined; and

(ii) where the confinement was not more than 11 weeks before the expected week of confinement, to the period beginning with the first day of the week in which she was confined and ending with the last day of the 6th week after the expected week of confinement.

(3) Where, in any case mentioned in paragraph (1), the woman—

(*a*) was confined on a date not earlier than the first day of the 11th week before the expected week of confinement;

(*b*) makes a claim for a maternity allowance by virtue of the fact that she has been confined; and

(*c*) shows that throughout a period beginning not earlier than the 11th week before the week in which she was confined and ending one day before the date of the confinement she—

(i) did no work in employment as an employed or self-employed earner; and

(ii) had good cause for her failure to make a claim in respect of expectation of her confinement,

section 22(2) shall, in relation to that case, have effect as if, for the period mentioned in it, there were substituted a reference to the period commencing with the first day of the period referred to in sub-paragraph (*c*) of this paragraph and ending with the last day of the 6th week after the week which includes the date of confinement, except where that first day is a day in the week which includes the date of confinement.

Modification of s. 22(5)

7. Where, in accordance with regulation 5 or 6, section 22(2) is to have effect as if, for the period mentioned in it, there were substituted another period, section 22(5) (which relates to the death of a woman entitled to a maternity allowance) shall have effect accordingly but in relation only to a death after the beginning of that other period.

Maternity allowance at a reduced rate where contribution conditions are not satisfied in full

8.—(1) Where a woman, would be entitled to a maternity allowance but for the fact that the second contribution condition set out in paragraph 3 of Part I of Schedule 3 is not satisfied, she shall, if a rate is prescribed for her in paragraph (2), be entitled to such benefit at that rate.

(2) The weekly rate of the allowance shall be calculated as a percentage of the rate set out in Part I of Schedule 4; in a case where the second contribution condition would have been satisfied if the multiplier in that condition (instead of being 50) had been 37½, that percentage shall be 75 per cent, and in a case where that condition would have been satisfied if the multiplier had been 25, it shall be 50 per cent.