Maternity Benefit and Miscellaneous Provisions

REGULATIONS, DATED 14TH AUGUST, 1953, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946 to 1953.

1953. No. 123

The National Insurance Joint Authority, in exercise of powers conferred by sections 9 (3) and 24 of the National Insurance Act (Northern Ireland), 1946 (a), and the Ministry of Labour and National Insurance, in exercise of powers conferred by section 8 of the National Insurance Act (Northern Ireland), 1953 (b), and sections 13, 13A, 14 and 45 of the National Insurance Act (Northern Ireland), 1946, in each case in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations :—

PART I

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1953, and shall come into operation on the 17th August, 1953.

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

" the Act of 1953 " means the National Insurance Act (Northern Ireland), 1953 ;

" the Act " means the National Insurance Act (Northern Ireland), 1946, as amended or extended by or under any other enactment, including the Act of 1953 ;

" the Ministry " means the Ministry of Labour and National Insurance for Northern Ireland ;

" the appointed day " means the day (c) appointed by the Minister of Labour and National Insurance for Northern Ireland for the purposes of the Act of 1953 ;

" the determining authority " means, as the case may require, an insurance officer or a local tribunal appointed or constituted in accordance with the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948 (d), or an umpire or deputy umpire appointed by the Governor of Northern Ireland for the purposes of the Act (e) ;

(a) 1946. c. 23. (b) 1953. c. 27.
(c) 26th October, 1953. See S. R. & O. (N.I.) 1953. No. 110.
(d) S. R. & O. (N.I.) 1948. No. 185.
(e) See s. 40 (3) (c), National Insurance Act (Northern Ireland), 1946.

" week " means a contribution week (a) ;

" the expected week of confinement " has the same meaning as in section 14 of the Act ;

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

(3) References in these regulations to any enactment or regulations shall be construed as references to such enactment or regulations as amended by any subsequent enactment, order or regulations, not being regulations made under paragraph 14 of the Second Schedule to the Act of 1953.

(4) The Interpretation Act, 1889 (b), applies for the purpose of the interpretation of these regulations in like manner as it applies for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

Part II

Provisions Relating to Maternity Grants and Home Confinement Grants

Maternity grants in respect of multiple births

2. A woman who is confined of twins or a greater number of children on or after the appointed day shall, if the other conditions for the payment of a maternity grant are satisfied in respect of the confinement, be entitled in respect thereof to a maternity grant for each of them who is living on the day next following the date of the confinement ; but it shall be a condition for such entitlement that, before the expiration of the prescribed time for making a claim for a maternity grant, she makes a claim therefor and furnishes, by such means as the determining authority shall accept as sufficient, evidence as to —

(*a*) the number of children of whom she was confined ; and

(*b*) the number of such children living on the last mentioned day.

Maternity grant in respect of expectation of confinement

3. In a case where a woman makes a claim for a maternity grant on or after the appointed day and indicates therein that she desires that the provisions of section 13 of the Act (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 nine weeks before that in which it is to be expected that she will be confined,—

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

(*b*) in their application to such a case, the contribution conditions for a maternity grant as set out in paragraph 2 of the Third Schedule to the Act shall apply as if, for head (*b*) of sub-paragraph (2) of that paragraph, there were substituted the following :—

(a) See s. 74 (1), National Insurance Act (Northern Ireland), 1946.
(b) 52 and 53 Vict. c. 63.

" (*b*) the expression ' the relevant time ' means the contribution 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 on the date of the making of the claim, the date of his attaining pensionable age or dying under that age."

Prescribed accommodation falling within s. 13A (1) (b) of the Act

4.—(1) Accommodation of a description falling within paragraph (*b*) of subsection (1) of section 13A of the Act (which subsection confers title to a home confinement grant and, in paragraph (*b*), describes the accommodation confinement in which does not entitle a woman to such a grant) shall include :—

(*a*) accommodation in which any part of the cost of the woman's maintenance during the period of her confinement is payable out of money provided by Parliament of the United Kingdom for Navy, Army and Air services ;

(*b*) accommodation in which the woman is undergoing imprisonment or detention in legal custody.

Accommodation treated as not falling within s. 13A (1) (b) of the Act

5.—(1) Where a woman claims a home confinement grant in respect of a confinement which took place in, or in the course of transit to, accommodation of a description falling within paragraph (*b*) of subsection (1) of section 13A of the Act, that confinement shall be treated for the purposes of that subsection as if it had not taken place in, or in the course of transit to, accommodation of that description if it was —

(*a*) accommodation in which the whole cost of the claimant's maintenance throughout the period of her confinement was paid or payable by her ; or

(*b*) accommodation in any premises (being premises managed by a voluntary organisation and used wholly or mainly for the purpose of providing accommodation for women before and after confinement, or before, during and after confinement) provided for the claimant in pursuance of arrangements made by a welfare authority with that voluntary organisation in accordance with section 7 of the Welfare Services Act (Northern Ireland), 1949 (**a**).

(2) In the preceding paragraph, the expressions " voluntary organisation " and " welfare authority " have the same meanings as in section 7 of the Welfare Services Act (Northern Ireland), 1949.

Set-off of unemployment or sickness benefit against grants

6. Where a woman has been paid unemployment or sickness benefit which it is subsequently decided was, by virtue of section 10 of the Act of 1953 (which imposes a restriction on the right to unemployment or sickness benefit), not payable, the benefit so paid shall, in so far as its

(a) 1949. c. 1.

amount does not exceed the amount of any maternity benefit (other than a maternity allowance) to which she is entitled, be treated as having been paid on account of that maternity benefit.

Part III

Provisions Relating to Maternity Allowances

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

7.—(1) For the purposes of paragraph (*a*) of subsection (1) of section 14 of the Act (which paragraph 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, except in any case in relation to which the provisions of regulation 16 apply, be fourteen.

(2) A woman who has become entitled to a maternity allowance in respect of expectation of her confinement shall cease to be entitled thereto if, before the beginning of the eleventh 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, unless the confinement has already occurred, shall, on receipt of not less than three clear days' notice in writing given by or on behalf of the Ministry, submit herself to medical examination at such time and place as may be specified in the notice.

Duration of a maternity allowance in respect of expectation of confinement

8.—(1) In relation to a case where a woman has been confined after having made a claim for a maternity allowance in respect of expectation of that confinement (other than a claim which has been disallowed) but the date of the confinement was more than eleven weeks before the expected week of confinement, subsection (2) of section 14 of the Act (which specifies the period for which a maternity allowance is payable) shall have effect as if, for the period mentioned therein, there were substituted the period of eighteen weeks beginning with the week comprising the date of the confinement.

(2) Where a woman has become entitled to a maternity allowance in respect of expectation of her confinement and the date of the confinement has not occurred before the end of the expected week of confinement, the period referred to in the said subsection (2) (hereafter in this paragraph referred to as " the allowance period ") shall —

(*a*) if the said date has not occurred before the end of the allowance period, be extended for a period of six weeks and thereafter, if and so long as the said date has not occurred, be further extended for a like period at intervals of six weeks ; and

(*b*) if the said date has occurred before the end of the allowance period, or before the end of that period as extended or further extended in accordance with the preceding sub-paragraph, be extended or further extended until the end of the sixth week after the week comprising that date :

Provided that no extension or further extension shall be made in accordance with this paragraph unless the beneficiary gives to the Ministry 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 the notice is so given before the expiration of six weeks, or such longer period not exceeding three months as the determining authority may for good cause allow, calculated —

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

(ii) in a case falling within sub-paragraph (*b*), from the end of the week in which the date of the confinement occurred,

and the beneficiary thereafter furnishes, by such means as the determining authority shall accept as sufficient, evidence in confirmation of her notice.

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

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

(*a*) subsection (1) of section 14 of the Act shall have effect as if, for the condition for entitlement to a maternity allowance contained in paragraph (*a*) of that subsection, there were substituted the condition that the woman has been confined ;

(*b*) subsection (2) of that section shall have effect (subject to the following provisions of this regulation) as if, for the period mentioned therein, there were substituted the period of seven weeks beginning with the week comprising the date of the confinement ; and

(*c*) the contribution conditions set out in paragraph 3 of the Third Schedule to the Act shall have effect as if, for the reference in sub-paragraph (*a*) of that paragraph to the expected week of confinement, there were substituted a reference to the week comprising the date of the confinement.

(2) Where, in any such case as is mentioned in the preceding paragraph, the woman —

(*a*) is confined on a date more than eleven weeks before the week in which it was to have been expected that she would be confined ;