Maternity Benefit (Transitional)

REGULATIONS, DATED 7TH AUGUST, 1953, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1953.

1953. No. 121

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of the powers conferred by paragraphs 3, 8, 10 (2) and 14 of the Second Schedule to the National Insurance Act (Northern Ireland), 1953 (**a**), 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 National Insurance (Maternity Benefit) (Transitional) Regulations (Northern Ireland), 1953, and shall come into operation on the 10th August, 1953.

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

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

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

" the Maternity Benefit Regulations " means the National Insurance (Maternity Benefit) Regulations (Northern Ireland), 1948 (**c**), as amended by the National Insurance (Maternity Benefit) Amendment Regulations (Northern Ireland), 1949 (**d**) ;

" the Medical Certification Regulations " means the National Insurance (Medical Certification) Regulations (Northern Ireland), 1948 (**e**), as amended by the National Insurance (Medical Certification) Amendment Regulations (Northern Ireland), 1949 (**f**), and the National Insurance (Medical Certification) Amendment Regulations (Northern Ireland), 1952 (**g**) ;

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

" the appointed day " means the day (**h**) 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

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(**a**) 1953. c.27. (**b**) 1946. c.23. (**c**) S. R. & O. (N.I.) 1948. No. 238.
(**d**) S. R. & O. (N.I.) 1949. No. 75. (**e**) S. R. & O. (N.I.) 1948. No. 256.
(**f**) S. R. & O. (N.I.) 1949. No. 148. (**g**) S. R. & O. (N.I.) 1952. No. 112.
(**h**) 26th October, 1953. See S. R. & O. (N.I.) 1953. No. 110.

accordance with the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948 (a), or an umpire or deputy umpire appointed by the Governor of Northern Ireland for the purposes of the principal Act (b).

" the last day of the allowance period " means, —

(*a*) in relation to a maternity allowance which a woman claims in respect of expectation of her confinement, the last day of the sixth week after the week in which it is to be expected that she will be confined ; or

(*b*) in relation to a maternity allowance which a woman claims by virtue of the fact that she has been confined, the last day of the sixth week after the week in which the confinement occurred ;

and, subject to the next following paragraph, other expressions have the same meanings as in the principal Act.

(3) For the purposes of the interpretation of these regulations, the provisions of paragraphs 6, 10 and 15 of the Second Schedule to the Act of 1953 shall, subject to the provisions of regulation 12, apply as they apply for the purposes of the interpretation of Part II of that schedule.

(4) For the purposes of these regulations, any notice sent by post shall be deemed to have been given on the day on which it was posted.

(5) The Interpretation Act, 1889 (c), 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.

Increase of the amount of a maternity grant

2. In any case where —

(*a*) a woman has become entitled before the appointed day to a maternity grant by virtue of a certificate that it is to be expected that she will be confined (whether or not payment thereof had then been made) ;

(*b*) the confinement in expectation of which she became so entitled has not occurred before that day ; and

(*c*) her pregnancy has not been otherwise terminated before that day ;

the amount of the grant shall be increased to nine pounds if, but only if, before the expiration of three months (or such longer period, not exceeding six months, as the determining authority may for good cause allow) beginning with the said day or the date of the confinement (whichever is the later), the beneficiary furnishes, by such means as the determining

(a) S. R. & O. (N.I.) 1948. No. 185.
(b) See s.40 (3) (*c*) National Insurance Act (Northern Ireland), 1946.
(c) 52 & 53 Vict. c.63.

authority shall accept as sufficient, evidence either that she has been confined or that she is pregnant and that it is to be expected that she will be confined.

Cases in which the following provisions as to maternity allowances are to apply

3. The following provisions of these regulations shall have effect in any case where —

(*a*) a woman claims a maternity allowance in respect of expectation of her confinement and the week in which it is to be expected that she will be confined falls within the transitional period ; or

(*b*) a woman claims a maternity allowance by virtue of the fact that she has been confined and the confinement occurred within that period ;

and references therein to a claimant or to a claim shall be construed accordingly.

Election to have a claim for a maternity allowance dealt with in accordance with the old provisions

4.—(1) If a claimant elects, in accordance with the following paragraph, to have her claim dealt with in accordance with the old provisions, and does not withdraw, in accordance with regulation 6, the election so made by her, the old provisions shall apply to her in respect of the relevant confinement (that is to say, the confinement in respect of whose actual or expected occurrence the claim is made) and the new provisions shall not apply to her in respect thereof.

(2) Any such election as is mentioned in the preceding paragraph shall be made by a claimant by her giving written notice thereof to the Ministry within the appropriate period determined in accordance with regulation 5 :

Provided that a claimant shall not be entitled to make such an election in relation to her claim if she has previously made and withdrawn such an election in relation to that claim.

Appropriate period for making an election

5.—(1) The appropriate period for the making of an election in relation to a claim shall, subject to the following paragraph, be the day on which the claim is made.

(2) Where, in relation to her claim, a claimant makes an election after the day on which the claim is made but before the expiration of three weeks after —

(*a*) that day ; or

(*b*) the last day of the allowance period ;

whichever day is the later, the appropriate period for the making of an election in relation to that claim shall be extended (subject to the condition specified in regulation 7) so as to end on the day on which the election is made.