Insurance Industry Special Scheme

1948. No. 199

See p 877

Mariners

1948. No. 236

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Married Women

1948. No. 220

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Maternity Benefit

REGULATIONS, DATED 21ST JUNE, 1948, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

Amended S Roo 1949(No.1)75 1948. No. 238

The National Insurance Joint Authority, in exercise of the powers conferred by sections 13 (3) and (6), 14 and 15 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling them in that behalf, hereby make the following regulations :—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Maternity Benefit) Regulations (Northern Ireland), 1948, and shall come into operation on the 21st June, 1948.

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

"the Act" means the National Insurance Act (Northern Ireland), 1946;

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

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

" certificate of expected confinement " means the certificate by a qualified practitioner referred to in paragraph (*a*) of subsection (1) of section 14 of the Act ;

" week " means a contribution week ;

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

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Maternity grant.

2. Where a woman's claim to a maternity grant indicates that she desires the grant to be payable by virtue of a certificate given by a qualified practitioner that it is to be expected that she will be confined (instead of by virtue of a certificate that she has been confined), the claim shall be dealt with on that basis, provided that the expected week of confinement specified in the certificate is not more than seven weeks after that in which the certificate is given, and subject to the qualification that not more than one maternity grant shall be payable before the confinement.

Maternity allowance.

3.—(1) The expected week of confinement to be specified in any certificate given by a qualified practitioner under paragraph (*a*) of subsection (1) of section 14 of the Act (which subsection relates to entitlement to a maternity allowance by virtue of a certificate of expected confinement) shall not be more than seven weeks after the week in which the certificate is given.

(2) 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 Ministry, 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.

(3) Where in respect of a claim to maternity allowance a certificate of expected confinement has not been given, and it is certified by a qualified practitioner that a woman has been confined, the provisions of paragraph (*a*) of subsection (1) of section 14 of the Act shall for the purposes of that claim be applied as if the condition therein were that it had been certified by a qualified practitioner that the woman concerned had been confined.

(4) Subject to the provisions of paragraph (5) of this regulation and of regulation 4, the period for which a maternity allowance to which the foregoing paragraph applies is payable, shall, notwithstanding the provisions of subsection (2) of the said section 14

(which subsection relates to the period for which a maternity allowance is normally payable), be the period of seven weeks beginning with the week in which the confinement occurred.

(5) Notwithstanding the provisions of the foregoing paragraph, a maternity allowance shall, in a case to which paragraph (3) of this regulation is applicable, be paid in accordance with the following provisions :—

(*a*) If it is certified by a qualified practitioner that the woman's confinement was premature and that it was expected that she would be confined in a later week specified in the certificate (hereafter in this paragraph referred to as " the specified week "), the period for which the maternity allowance is payable shall, subject to the provisions of sub-paragraph (*b*) of this paragraph and of regulation 4, be the period beginning with the week in which the confinement occurs and ending with the sixth week after the specified week, or the period of thirteen weeks beginning with the week in which the confinement occurs, whichever period is the shorter.

(*b*) If it is shown to the satisfaction of the determining authority that, during any period commencing not earlier than the sixth week before the week in which the confinement occurs and terminating with the confinement (hereafter in this sub-paragraph referred to as " the period of abstention from work "), the woman did not do any work as an employed or self-employed person (including any such work which by virtue of any regulations made under the Act is to be disregarded for the purpose of the classification of insured persons), and had good cause either for not then making a claim for the payment of maternity allowance or for not furnishing a certificate of expected confinement, the period for which the maternity allowance is payable shall, notwithstanding the provisions of sub-paragraph (*a*) of this paragraph but subject to the provisions of regulation 4, commence with the first day of the period of abstention from work and terminate in a case to which this sub-paragraph and sub-paragraph (*a*) of this paragraph apply with the sixth week after the specified week, and in any other case with the sixth week after the week in which the confinement occurs, so, however, that in no case shall maternity allowance be paid for a period of more than thirteen weeks.

Disqualifications for attendance allowance and maternity allowance.

4.—(1) A woman shall be disqualified for receiving attendance allowance—

(*a*) if, during the period for which the allowance is payable, she does any work as an employed or self-employed