

REGULATION 6 OF THE PRINCIPAL REGULATIONS, AS AMENDED

Contribution test for married women

6. Where, in respect of a contribution year beginning after the appointed day during the whole of which a person is a married woman, less than forty-five contributions of any class under the Act have been paid by or credited to her, the following provisions shall apply:—

* * * * *

(2) She shall not be entitled in respect of any period after the end of *that* contribution year to pay contributions as, or as if she were, a non-employed person unless and until Condition II of the schedule to these regulations has been satisfied in respect of weeks commencing after the end of that contribution year.

REGULATION 12 OF THE PRINCIPAL REGULATIONS, AS AMENDED

Notice of marriage

12. It shall be the duty of every woman who, being an insured person, marries, to furnish any evidence of her marriage as may be required by the Ministry and to give notice to the Ministry in writing of her marriage not later than *thirteen weeks* thereafter, or, if she claims benefit before the expiration of that period, at the time of making such a claim.

Maternity Benefit and Miscellaneous Provisions

REGULATIONS, DATED 1ST MARCH, 1954, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946 TO 1953.

1954. No. 35

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 sections 2(5), 5, 13 and 14 of the National Insurance Act (Northern Ireland), 1946(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1. These regulations, which may be cited as the National Insurance (Maternity Benefit and Miscellaneous Provisions) Amendment Regulations (Northern Ireland), 1954, shall be read as one with the National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1953(b) (hereinafter referred to as "the principal regulations") and shall come into operation on the 1st day of March, 1954.

(a) 1946. c. 23.

(b) S.R. & O. (N.I.) 1953. No. 123.

Amendment of the principal regulations

2.—(1) Regulation 2 of the principal regulations (which relates to maternity grants in respect of multiple births) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the First Schedule to these regulations.

(2) For the words "appointed day" there shall be substituted the words "date of the coming into operation of these regulations".

(3) For the words "on the day next following the date of the confinement;" there shall be substituted the words "at the expiration of twelve hours after the time of his birth;".

(4) For the words "(b) the number of such children living on the last mentioned day" there shall be substituted the words "(b) of such children, the number surviving birth by at least twelve hours".

3. For regulation 9 of the principal regulations (which relates to conditions for, and duration of, a maternity allowance by virtue of the fact of confinement) there shall be substituted the following regulation:—

"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 on or after the date of the coming into operation of these regulations 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 (not being a case in which the next following paragraph applies), the woman—

- (a) is confined on a date 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; subsection (2) of section 14 of the Act shall, in relation to that case, have effect as if, for the period mentioned therein, there were substituted a reference,—

- (i) where the date of the confinement was more than eleven weeks before the expected week of confinement, to the period of eighteen weeks beginning with the week comprising that date; and
- (ii) where that date was not more than eleven weeks before the expected week of confinement, to the period beginning with the first day of the week comprising that date and ending with the last day of the sixth week after the expected week of confinement.

(3) Where, in any such case as is mentioned in paragraph (1) of this regulation, the woman, having failed to make, before her confinement, a claim for a maternity allowance in respect of expectation of her confinement,—

- (a) is confined on a date not earlier than the first day of the eleventh 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 to the satisfaction of the determining authority that, throughout a period commencing not earlier than the eleventh week before the week comprising the date of the confinement and ending immediately before that date, she—
 - (i) did no work as an employed (a) or self-employed (a) 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
 - (ii) had good cause for her failure to make a claim in respect of expectation of her confinement;

subsection (2) of section 14 of the Act shall, in relation to that case, have effect as if, for the period mentioned therein, 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 appropriate date determined in accordance with the next following paragraph:

Provided that this paragraph shall not apply in any case where the said first day is a day in the week comprising the date of the confinement.

- (4) The said appropriate date shall be,—
 - (a) in a case where the woman is confined before the expected week of confinement, the last day of the sixth week after the expected week of confinement; or
 - (b) in any other case, the last day of the sixth week after the week comprising the date of the confinement:

(a) See s. 1(2), National Insurance Act (Northern Ireland), 1946.

Provided that, if the appropriate date determined in accordance with the foregoing provisions of this paragraph is later than the end of the period of eighteen weeks commencing with the first day of the period referred to in sub-paragraph (c) of the last foregoing paragraph, the appropriate date shall not be so determined but shall be the last day of the period of eighteen weeks commencing with the said first day.

(5) In paragraphs (2) to (4) of this regulation, the expression "the expected week of confinement" means, in relation to a woman who has been confined, the week in which it was to have been expected that she would be confined.

Amendment of provisions relating to medical certification

4. In the National Insurance (Medical Certification) Regulations (Northern Ireland), 1948(a), as amended(b), there shall be made the following amendment:—

In the form of certificate of confinement set out in Part II of the schedule the words "at least ELEVEN WEEKS" shall be omitted.

Amendment of provisions relating to contributions

5. In the National Insurance (Contributions) Regulations (Northern Ireland), 1948(c), as amended(d), there shall be made the following addition and amendments:—

(1) In regulation 8 there shall be added the following paragraph:—

"(2) A woman who, but for the provisions of the foregoing paragraph, would be liable to pay a contribution as a self-employed or non-employed person for any week and to whom a contribution is not to be credited for that week in accordance with those provisions may, if she so desires, pay for that week the contribution which, but for the said provisions, she would be liable to pay.";

and accordingly that regulation shall have effect as set out in Part I of the Second Schedule to these regulations.

(2) In regulation 9,—

(a) in paragraph (a), for the words "if the condition specified in paragraph (a) of regulation 8 has been satisfied", there shall be substituted the words "if not less than twenty-six contributions as an employed person were paid by or credited to her in respect of the fifty-two weeks in respect of which the contribution conditions for the allowance (being either the relevant contribution conditions or those conditions as modified by regulations in their application to cases falling within subsection (6) of section 14 of the Act) were required to have been satisfied";

(a) S.R. & O. (N.I.) 1948. No. 256.

(b) S.R. & O. (N.I.) 1949. No. 148; S.R. & O. (N.I.) 1952. No. 112;
S.R. & O. (N.I.) 1953. No. 123.

(c) S.R. & O. (N.I.) 1948. No. 217.

(d) S.R. & O. (N.I.) 1949. No. 149; S.R. & O. (N.I.) 1950. No. 67;
S.R. & O. (N.I.) 1951. No. 38; S.R. & O. (N.I.) 1952. No. 139;
S.R. & O. (N.I.) 1953. No. 69; S.R. & O. (N.I.) 1953. No. 123;
S.R. & O. (N.I.) 1953. No. 157.

(b) in paragraph (b), for the words "if the said condition has not been satisfied", there shall be substituted the words "in any other case"; and

(c) the proviso shall be omitted;
and accordingly that regulation shall have effect as set out in Part II of the Second Schedule to these regulations.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 1st day of March, 1954, in the presence of

(L.S.)

William Allen,

Assistant Secretary to the Ministry
of Labour and National Insurance
for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 1st day of March, 1954, in the presence of

(L.S.)

D. C. B. Holden,

Assistant Secretary to the Ministry
of Finance for Northern Ireland.

FIRST SCHEDULE

Regulation 2.

REGULATION 2 OF THE PRINCIPAL REGULATIONS AS AMENDED*

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 *date of the coming into operation of these regulations* 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 *at the expiration of twelve hours after the time of his birth*; 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) *of such children, the number surviving birth by at least twelve hours.*

SECOND SCHEDULE

Regulation 5(1).

PART I

REGULATION 8 OF THE NATIONAL INSURANCE (CONTRIBUTIONS) REGULATIONS (NORTHERN IRELAND), 1948, AS AMENDED BY THESE REGULATIONS*

*The words added or substituted by these regulations are shown in italics.

Insured women who have been confined

8.—(1) An insured woman shall be excepted from liability to pay a contribution as a self-employed or non-employed person for any week in which she is confined, and for each of the three succeeding weeks, and, if one of the following conditions is satisfied, a contribution shall be credited to her for that week as follows, provided a contribution as an employed person is not payable for that week:—

- (a) if not less than twenty-six contributions as an employed person have been paid by or credited to the insured woman in respect of the last complete contribution year before the benefit year which includes the date of the confinement, a contribution as an employed person;
- (b) if not less than twenty-six contributions, whether as an employed person or self-employed person, have been paid by or credited to the insured woman in respect of the last complete contribution year before the benefit year which includes the date of the confinement, a contribution as a self-employed person.

(2) *A woman who, but for the provisions of the foregoing paragraph, would be liable to pay a contribution as a self-employed or non-employed person for any week and to whom a contribution is not to be credited for that week in accordance with those provisions may, if she so desires, pay for that week the contribution which, but for the said provisions, she would be liable to pay.*

PART II

Regulation 5(2).

REGULATION 9 OF THE NATIONAL INSURANCE (CONTRIBUTIONS)
REGULATIONS (NORTHERN IRELAND), 1948, AS AMENDED
BY THESE REGULATIONS*

Maternity Allowance

9. An insured woman shall be excepted from liability to pay a contribution under the Act for any week in respect of which a maternity allowance is payable to her, and a contribution shall be credited to her for that week as follows:—

- (a) *if not less than twenty-six contributions as an employed person were paid by or credited to her in respect of the fifty-two weeks in respect of which the contribution conditions for the allowance (being either the relevant contribution conditions or those conditions as modified by regulations in their application to cases falling within subsection (6) of section 14 of the Act) were required to have been satisfied, a contribution as an employed person;*
- (b) *in any other case, a contribution as a self-employed person.*

*The words added or substituted by these regulations are shown in italics.