
STATUTORY INSTRUMENTS

1986 No. 1960

The Statutory Maternity Pay (General) Regulations 1986

PART VI

PAYMENT

Payment of statutory maternity pay

27. Payment of statutory maternity pay may be made in a like manner to payments of remuneration but shall not include payments in kind or by way of the provision of board or lodgings or of services or other facilities.

Rounding to avoid fractional amounts

[^{F1}**28.** Where any payment of statutory maternity pay is paid for any week or part of a week and the amount due includes a fraction of a penny, the payment shall be rounded up to the next whole number of pence.]

Textual Amendments

- F1** Reg. 28 substituted (1.10.2006) by [The Statutory Maternity Pay, Social Security \(Maternity Allowance\) and Social Security \(Overlapping Benefits\) \(Amendment\) Regulations 2006 \(S.I. 2006/2379\)](#), regs. 1(2), **3(4)** (with reg. 1(2))

Time when statutory maternity pay is to be paid

29.—(1) In this regulation, “pay day” means a day on which it has been agreed, or it is the normal practice between an employer or former employer and a woman who is or was an employee of his, that payments by way of remuneration are to be made, or, where there is no such agreement or normal practice, the last day of a calendar month.

(2) In any case where—

- (a) a decision has been made by an adjudication officer, appeal tribunal or Commissioner in proceedings under Part III of the 1975 Act as a result of which a woman is entitled to an amount of statutory maternity pay; and
- (b) the time for bringing an appeal against the decision has expired and either—
 - (i) no such appeal has been brought; or
 - (ii) such an appeal has been brought and has been finally disposed of,that amount of statutory maternity pay shall be paid within the time specified in paragraph (3).

(3) Subject to paragraphs (4) and (5), the employer or former employer shall pay the amount not later than the first pay day after—

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- (a) where an appeal has been brought, the day on which the employer or former employer receives notification that it has been finally disposed of;
- (b) where leave to appeal has been refused and there remains no further opportunity to apply for leave, the day on which the employer or former employer receives notification of the refusal; and
- (c) in any other case, the day on which the time for bringing an appeal expires.

(4) Subject to paragraph (5), where it is impracticable, in view of the employer's or former employer's methods of accounting for and paying remuneration, for the requirement of payment referred to in paragraph (3) to be met by the pay day referred to in that paragraph, it shall be met not later than the next following pay day.

(5) Where the employer or former employer would not have remunerated the woman for her work in the week in question as early as the pay day specified in paragraph (3) or (if it applies) paragraph (4), the requirement of payment shall be met on the first day on which the woman would have been remunerated for her work in that week.

Payments by the Secretary of State

30. Where the Secretary of State becomes liable in accordance with regulation 7 to make payments of statutory maternity pay to a woman, the first payment shall be made as soon as reasonably practicable after he becomes so liable, and payments thereafter shall be made at weekly intervals, by means of an instrument of payment or by such other means as appears to the Secretary of State to be appropriate in the circumstances of any particular case.

Persons unable to act

31.—(1) Where in the case of any woman—

- (a) statutory maternity pay is payable to her or she is alleged to be entitled to it;
- (b) she is unable for the time being to act; and
- (c) either—
 - (i) no receiver has been appointed by the Court of Protection with power to receive statutory maternity pay on her behalf, or
 - (ii) in Scotland, her estate is not being administrated by any tutor, curator or other guardian acting or appointed in terms of law,

the Secretary of State may, upon written application to him by a person who, if a natural person, is over the age of 18, appoint that person to exercise, on behalf of the woman any right to which she may be entitled under Part V of the 1986 Act and to deal on her behalf with any sums payable to her.

(2) Where the Secretary of State has made an appointment under paragraph (1)—

- (a) he may at any time in his absolute discretion revoke it;
- (b) the person appointed may resign his office after having given one month's notice in writing to the Secretary of State of his intention to do so; and
- (c) the appointment shall terminate when the Secretary of State is notified that a receiver or other person to whom paragraph (1)(c) applies has been appointed.

(3) Anything required by Part V of the 1986 Act to be done by or to any woman who is unable to act may be done by or to the person appointed under this regulation to act on her behalf, and the receipt of the person so appointed shall be a good discharge to the woman's employer or former employer for any sum paid.

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