
STATUTORY INSTRUMENTS

1986 No. 1960

The Statutory Maternity Pay (General) Regulations 1986

PART V

ADMINISTRATION

Notice of absence from work

23.—(1) Where a woman is confined before the beginning of the 14th week before the expected week of confinement, she shall be entitled to payments of statutory maternity pay only if—

- (a) she gives notice to the person who will be liable to pay it that her absence from work with him is wholly because of her confinement, and
- (b) that notice is given within 21 days of the date she was confined or if in the particular circumstances that is not practicable, as soon as is reasonably practicable thereafter; and
- (c) where the person so requests, the notice is in writing.

(2) Where a woman is confined before the date stated in a notice provided in accordance with [^{F1}section 164(4) of the Contributions and Benefits Act] as being the date her absence from work is due to begin, she shall be entitled to payments of statutory maternity pay only if—

- (a) she gives a further notice to the person who will be liable to pay it specifying the date she was confined and the date her absence from work wholly or partly because of pregnancy or confinement began, and
- (b) that further notice is given within 21 days of the date she was confined or if in the particular circumstances that is not practicable, as soon as is reasonably practicable thereafter; and
- (c) where the person so requests, the notice is in writing.

(3) For the purposes of this regulation, a notice contained in an envelope which is properly addressed and sent by prepaid post shall be deemed to be given on the date on which it is posted.

[^{F2}(4) Subject to paragraph (5), section 164(4) of the Contributions and Benefits Act shall not apply to a woman who leaves her employment with the person who will be liable to pay her statutory maternity pay after the beginning of the 15th week before the expected week of confinement for a reason wholly unconnected with her pregnancy.]

[^{F2}(5) A woman who is exempted from section 164(4) of the Contributions and Benefits Act by paragraph (4) but who is confined before the 11th week before the expected week of confinement shall only be entitled to statutory maternity pay if she gives the person who will be liable to pay it notice specifying the date she was confined.]

Textual Amendments

- F1** Words in [reg. 23\(2\)](#) substituted (with effect in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Social Security Maternity Benefits and Statutory Sick Pay \(Amendment\) Regulations 1994 \(S.I. 1994/1367\)](#), [regs. 1\(2\)](#), [6\(2\)](#)

Status: Point in time view as at 07/04/1996. This version of this provision has been superseded.
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Changes to legislation: There are currently no known outstanding effects for the The Statutory Maternity Pay (General) Regulations 1986, Section 23. (See end of Document for details)

F2 Reg. 23(4)(5) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Social Security Maternity Benefits and Statutory Sick Pay (Amendment) Regulations 1994 (S.I. 1994/1367), regs. 1(2), **6(3)**

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