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## STATUTORY INSTRUMENTS

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# 1986 No. 1960

## The Statutory Maternity Pay (General) Regulations 1986

### PART V

#### ADMINISTRATION

##### [<sup>F1</sup>Provision of information relating to claims for certain other benefits

**25A.**—(1) Where an employer who has been given notice in accordance with [<sup>F2</sup>section 164(4) (a) or (9)(ea) of the Contributions and Benefits Act] or regulation 23 by a woman who is or has been an employee —

- (a) decides that he has no liability to make payments of statutory maternity pay to her, or
- (b) has made one or more payments of statutory maternity pay to her but decides, before the end of the maternity pay period and for a reason specified in paragraph (3), that he has no liability to make further payments to her,

then, in connection with the making of a claim by the woman for a maternity allowance[<sup>F3</sup>, incapacity benefit or an employment and support allowance], he shall furnish her with the information specified in the following provisions of this regulation.

(2) Where the employer decides he has no liability to make payments of statutory maternity pay to the woman, he shall furnish her with details of the decision and the reasons for it.

(3) Where the employer decides he has no liability to make further payments of statutory maternity pay to the woman because <sup>F4</sup>... she has within the maternity pay period been detained in legal custody or sentenced to a term of imprisonment which was not suspended, <sup>F5</sup>... he shall furnish her with —

- (a) details of his decision and the reasons for it; and
  - (b) details of the last week in respect of which a liability to pay statutory maternity pay arose and the total number of weeks within the maternity pay period in which such a liability arose.
- (4) The employer shall—
- (a) return to the woman any maternity certificate provided by her in support of the notice referred to in paragraph (1); and
  - (b) comply with any requirements imposed by the preceding provisions of this regulation—
    - (i) in a case to which paragraph (2) applies, within 7 days of the decision being made, or, if earlier, within [<sup>F6</sup>28 days] of the day the woman gave notice of her intended absence or of her confinement if that had occurred; or
    - (ii) in a case to which paragraph (3) refers, within 7 days of being notified of the woman's detention or sentence <sup>F7</sup>....

(5) In this regulation, 'incapacity benefit' means [<sup>F8</sup>incapacity benefit] or a severe disablement allowance.]

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### Textual Amendments

- F1** Reg. 25A inserted (6.4.1990) by [The Statutory Maternity Pay \(General\) Amendment Regulations 1990 \(S.I. 1990/622\)](#), regs. 1, 7
- F2** Words in reg. 25A(1) substituted (24.11.2002) by [The Social Security, Statutory Maternity Pay and Statutory Sick Pay \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2690\)](#), regs. 1(1)(a), **8(2)** (with reg. 1(2))
- F3** Words in reg. 25A(1) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **46**
- F4** Word in reg. 25A(3) omitted (24.11.2002) by virtue of [The Social Security, Statutory Maternity Pay and Statutory Sick Pay \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2690\)](#), regs. 1(1)(a), **8(3)(a)** (with reg. 1(2))
- F5** Words in reg. 25A(3) omitted (24.11.2002) by virtue of [The Social Security, Statutory Maternity Pay and Statutory Sick Pay \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2690\)](#), regs. 1(1)(a), **8(3)(b)** (with reg. 1(2))
- F6** Words in reg. 25A(4)(b)(i) substituted (24.11.2002) by [The Social Security, Statutory Maternity Pay and Statutory Sick Pay \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2690\)](#), regs. 1(1)(a), **8(4)(a)** (with reg. 1(2))
- F7** Words in reg. 25A(4)(b)(ii) omitted (24.11.2002) by virtue of [The Social Security, Statutory Maternity Pay and Statutory Sick Pay \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2690\)](#), regs. 1(1)(a), **8(4)(b)** (with reg. 1(2))
- F8** Words in reg. 25A(5) substituted (13.4.1995) by [The Social Security \(Incapacity Benefit\) \(Consequential and Transitional Amendments and Savings\) Regulations 1995 \(S.I. 1995/829\)](#), regs. 1(1), **18(3)** (with Pt. III)

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