

1987 No. 235

TERMS AND CONDITIONS OF EMPLOYMENT

The Statutory Maternity Pay (Medical Evidence) Regulations 1987

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| <i>Made</i> - - - - | <i>19th February 1987</i> |
| <i>Laid before Parliament</i> | <i>20th February 1987</i> |
| <i>Coming into force</i> | <i>15th March 1987</i> |

The Secretary of State for Social Services, in exercise of the powers conferred by sections 49 and 84(1) of and paragraph 6 of Schedule 4 to the Social Security Act 1986(a), and of all other powers enabling him in that behalf, by this instrument, which is made before the end of the period of 12 months from the commencement of the enactments contained in the 1986 Act under which it is made, makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Statutory Maternity Pay (Medical Evidence) Regulations 1987 and shall come into force on 15th March 1987.

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

“the Act” means the Social Security Act 1986;

“registered midwife” means a midwife who is registered as a midwife with the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under the Nurses, Midwives and Health Visitors’ Act 1979(b);

“doctor” means a registered medical practitioner;

“signature” means, in relation to any statement or certificate given in accordance with these regulations, the name by which the person giving that statement or certificate, as the case may be, is usually known (any name other than the surname being either in full or otherwise indicated) written by that person in his own handwriting; and “signed” shall be construed accordingly.

Evidence of pregnancy and confinement

2. The evidence as to pregnancy and the expected date of confinement which a woman is required to provide to a person who is liable to pay her statutory maternity pay shall be furnished in the form of a maternity certificate given by a doctor or by a registered midwife, not earlier than the beginning of the ►20th week◄ before the expected week of confinement, in accordance with the rules set out in Part I of the Schedule to these regulations—

(a) in the appropriate form as set out in Part II of that Schedule, or

Words substituted in reg. 2 by reg 3(2) of S.I. 2001/2931 as from 28.9.01.

(a) 1986 c. 50; section 84(1) is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(b) 1979 c. 36.

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- (b) in a form substantially to the like effect with such variations as the circumstances may require.

Signed by authority of the Secretary of State for Social Services.

19th February 1987

Nicholas Lyell
Parliamentary Under-Secretary of State,
Department of Health and Social Security

SCHEDULE

Regulation 2

Part 1

RULES

1. In these rules any reference to a woman is a reference to the woman in respect of whom a maternity certificate is given in accordance with these rules.
2. A maternity certificate shall be given by a doctor or registered midwife attending the woman and shall not be given by the woman herself.
3. The maternity certificate shall be on a form provided by the Secretary of State for the purpose and the wording shall be that set out in the appropriate part of the form specified in Part II of this Schedule.
4. Every maternity certificate shall be completed in ink or other indelible substance and shall contain the following particulars—
 - (a) the woman's name;
 - (b) the week in which the woman is expected to be confined or, if the maternity certificate is given after confinement, the date of that confinement and the date the confinement was expected to take place¹◀;
 - (c) the date of the examination on which the maternity certificate is based;
 - (d) the date on which the maternity certificate is signed; and
 - (e) the address of the doctor or where the maternity certificate is signed by a ▶¹registered midwife the personal identification number given to her by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting ("UKCC") on her registration in Part 10 of the register maintained under section 10 of the Nurses, Midwives and Health Visitors Act 1979(a) and the expiry date of that registration◀,

¹Words deleted from and words substituted in para. 4 by reg. 23 of S.I. 1991/2284 as from 1.11.91.

and shall bear opposite the word "Signature", the signature of the person giving the maternity certificate written after there has been entered on the maternity certificate the woman's name and the expected date or, as the case may be, the date of the confinement.

5. After a maternity certificate has been given, no further maternity certificate based on the same examination shall be furnished other than a maternity certificate by way of replacement of an original which has been lost or mislaid, in which case it shall be clearly marked "duplicate".

(a) 1979 c. 36.

Sch.

¹Part II of Sch. substituted by reg. 24 of S.I. 1991/2284 as from 1.11.91.

▶¹PART II

FORM OF CERTIFICATE

MATERNITY CERTIFICATE

Please fill in this form in ink

Name of patient

Fill in this part if you are giving the certificate before the confinement.

Fill in this part if you are giving the certificate after the confinement.

²Words substituted in Part II of Sch. 2 by reg. 3(3)(a) of S.I. 2001/2931 as from 28.9.01.

Do not fill this in more ▶²than 20 weeks◀ before the week the baby is expected.

I certify that I attended you in connection with the birth which took place on/...../.....when you were delivered of a child [] children.

I certify that I examined you on the date given below. In my opinion you can expect to have your baby in the week that includes/...../.....

In my opinion your baby was expected in the week that includes/...../.....

Week means a period of 7 days starting on a Sunday and ending on a Saturday.

Date of examination/...../.....

Date of signing/...../.....

Registered midwives

Please give your UKCC Personal identification Number and the expiry date of your registration with the UKCC.

[Empty box for UKCC registration details]

Signature

Doctors

Please stamp your name and address here if the form has not been stamped by the ▶³Health Authority◀ in whose medical list you are included.

[Empty box for doctor stamp]

³Words substituted in Part II of Sch. 2 by reg. 3(3)(b) of S.I. 2001/2931 as from 28.9.01.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations prescribe the form in which evidence of her pregnancy or her expected date of confinement is to be provided by a woman to a person who is liable to pay her statutory maternity pay.

The provisions of the Social Security Act 1986 under which these regulations were made have not yet been in force for 12 months. The regulations are therefore exempt by section 61(5) of the Act of 1986 from reference to the Social Security Advisory Committee and have not been so referred.