

## 1987 No. 416

## SOCIAL SECURITY

The Social Security (Maternity Allowance)  
Regulations 1987

|                               |                        |
|-------------------------------|------------------------|
| <i>Made</i> - - - -           | <i>12th March 1987</i> |
| <i>Laid before Parliament</i> | <i>16th March 1987</i> |
| <i>Coming into force</i>      | <i>6th April 1987</i>  |

The Secretary of State for Social Services, in exercise of the powers conferred by section 22(3) of, and Schedule 20 to, the Social Security Act 1975(a) and sections 84(1) and 89(1) of the Social Security Act 1986(b), 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 under which it is made, makes the following Regulations:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Social Security (Maternity Allowance) Regulations 1987 and shall come into force on 6th April 1987.

(2) In these Regulations—

“the Act” means the Social Security Act 1975;

“the 1986 Act” means the Social Security Act 1986.

▶<sup>1</sup>“the 1992 Act” means the Social Security Contributions and Benefits Act 1992.◀

(3) Unless the context otherwise requires, any reference in any of these regulations—

(a) to a numbered paragraph is a reference to the paragraph bearing that number in that regulation; and

(b) in these Regulations to a Schedule is to the Schedule to these Regulations.

<sup>1</sup>Defn. of “the 1992 Act” in reg. 1(2) inserted and reg. 2(1) substituted by reg. 2(2) & (3) of S.I. 2014/884 as from 18.5.14.

**▶<sup>2</sup>Disapplication of section 1(1A) of the Administration Act**

▶<sup>3</sup>**1A.** Section 1(1A) of the Social Security Administration Act 1992 (requirement to state a national insurance number) shall not apply to an adult dependant who—

(a) is a person in respect of whom a claim for an increase of maternity allowance is made;

(b) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999(c); and

(c) has not previously been allocated a national insurance number.◀

<sup>2</sup>Reg. 1A inserted by reg. 13 of S.I. 1997/2676 as from 1.12.97  
<sup>3</sup>Reg. 1A substituted by reg. 4 of S.I. 2009/471 as from 6.4.09.

**Disqualification for the receipt of a maternity allowance**

▶<sup>12</sup>.—(1) A woman shall be disqualified for receiving a maternity allowance under section 35 of the 1992 Act if during the maternity allowance period she does any work in employment as an employed or self-employed earner, for more than 10 days, whether consecutive or not, falling within that period.

(a) 1975 c. 14; section 22(3) was substituted by section 49(2) of and Part II of Schedule 4 to the Social Security Act 1986 (c. 50); Schedule 20 is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(b) 1986 c. 50; section 84(1) is cited because of the meaning ascribed to the word “regulations”.

(c) 1999 c. 33.

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(2) The disqualification referred to in paragraph (1) shall be for such part of the maternity allowance period as may, in the opinion of the Secretary of State, be reasonable in the circumstances, provided that the disqualification shall, in any event, be for at least the number of days on which she so worked in excess of 10 days.

(3) A woman shall be disqualified for receiving a maternity allowance under section 35B of the 1992 Act if during the maternity allowance period—

- (a) she works with S (as defined in subsection (1)(b) of that section); or
- (b) she does any work in employment as an employed or self-employed earner.

(4) The disqualification referred to in paragraph (3) shall be for such part of the maternity allowance period as may, in the opinion of the Secretary of State, be reasonable in the circumstances and in any event shall be for at least the number of days she so worked.

(5) A woman shall be disqualified for receiving a maternity allowance under section 35 or 35B of the 1992 Act if during the maternity allowance period she fails without good cause to take due care of her health or to answer reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by the Secretary of State or his officers directed to ascertaining whether she is doing so.

(6) The disqualification referred to in paragraph (5) shall be for such part of the maternity allowance period as may, in the opinion of the Secretary of State, be reasonable in the circumstances.

(7) A woman shall be disqualified for receiving maternity allowance under section 35 or 35B of the 1992 Act if at any time before she is confined she fails without good cause to attend for or to submit herself to any medical examination for which she was given at least 3 days notice in writing by or on behalf of the Secretary of State.

(8) The disqualification referred to in paragraph (7) shall be for such part of the maternity allowance period (being a part beginning not earlier than the day on which the failure occurs) as may, in the opinion of the Secretary of State, be reasonable in the circumstances, except that in the event of her being confined after such failure that woman shall not by reason of such failure be so disqualified for the day on which the confinement occurs or any day thereafter. ◀

**Modification of the maternity allowance period**

3.—(1) ▶<sup>1</sup>Section 35(2) of the Social Security Contributions and Benefits Act 1992◀ (which relates to the maternity allowance period) shall be modified in accordance with ▶<sup>2</sup>paragraph (2A)◀.

(2) ▶<sup>1</sup>◀

▶<sup>3</sup>(2A) In relation to a woman who—

- (a) is not entitled to maternity allowance at the 11th week before the expected week of confinement; and
- (b) subsequently becomes entitled to maternity allowance before being confined; and
- (c) has stopped work

the maternity allowance period shall be a period of ▶<sup>4</sup>39 weeks commencing no earlier than the day she becomes entitled to maternity allowance and no later than the day following the day on which she is confined.◀◀

▶<sup>2</sup>(2B) The provisions of section 35B of the 1992 Act which relate to the maternity allowance period shall, in relation to a woman who—

- (a) is not entitled to maternity allowance at the 11th week before the expected week of confinement;
- (b) subsequently becomes entitled to maternity allowance before being confined; and
- (c) has ceased to work with S,

<sup>1</sup>Words substituted in reg. 3(1) & reg. 3(2) omitted by reg. 15 of S.I. 2002/2690 as from 24.11.02.

<sup>2</sup>Words in reg. 3(1) substituted & regs. 3(2B)-(2C) inserted by reg. 4 of S.I. 2014/884 as from 18.5.14.

<sup>3</sup>Para. 2(A) inserted into reg. 3 by reg. 7(2) of S.I. 1994/1367, under powers effective where expected week of confinement begins on or after 16.10.94.

<sup>4</sup>Words in reg. 3(2A) substituted by reg. 4(3) of S.I. 2006/2379 as from 1.10.06 and whose expected week of confinement falls on or after 1.4.07.

be modified in accordance with paragraph (2C).

(2C) The maternity allowance period shall be a period of 14 weeks commencing—

- (a) on the day after she ceases work, or, if later, the day she becomes entitled to maternity allowance; and
- (b) no later than the day following the day on which she is confined.◀

(3)-(6) ▶<sup>1</sup>◀

#### Revocations and consequential amendments

4.—(1) Subject to paragraph (2)—

- (a) the Regulations specified in column (1) of Part I of the Schedule to these Regulations are revoked to the extent mentioned in column (2) to the Schedule; and
- (b) the Regulations specified in column (1) of Part II of the Schedule to these Regulations are amended to the extent specified in column (2) to the Schedule.

(2) The Regulations revoked in paragraph (1)(a) and those amended in paragraph (1)(b) shall nevertheless continue in force in their existing form in relation to a woman whose entitlement to a maternity allowance after 5th April 1987 arises otherwise than under section 22 of the Act as substituted by section 49(2) of and Part II of Schedule 4 to the 1986 Act.

<sup>1</sup>Paras. (3) to (6) of reg. 3 deleted by reg. 18 of S.I. 1997/793 as from 7.4.97.

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

12th March 1987

*John Major*  
Minister of State,  
Department of Health and Social Security

SCHEDULE

PART I

REVOCATIONS AND PROVISIONS CONFERRING POWERS

| <i>Column (1)</i><br><i>Statutory Instrument</i>                                  | <i>Column (2)</i><br><i>Extent of Revocation</i>   | <i>Column (3)</i><br><i>Provisions conferring powers</i>    |
|---|--|---|
| The Social Security (Maternity Benefit) Regulations 1975 (S.I. 1975/553).         | Regulations 5(1), 6, 7, 9, 10 and 11.  | Social Security Act 1975(a), sections 17(2), 22(3) and 131. |
| The Social Security (Miscellaneous Amendments) Regulations 1977 (S.I. 1977/1509). | Regulation 3(1) and in paragraphs (3) and (4) of regulation 3, the words "the said regulation 11". | Social Security Act 1975, section 131.                      |

PART II

CONSEQUENTIAL AMENDMENTS AND PROVISIONS CONFERRING POWERS

| <i>Column (1)</i><br><i>Statutory Instrument</i>                                  | <i>Column (2)</i><br><i>Amendment</i>  | <i>Column (3)</i><br><i>Provisions conferring powers</i> |
|---|--|--|
| The Social Security (Miscellaneous Amendments) Regulations 1977 (S.I. 1977/1509). | In paragraphs (3) and (4) of regulation 3, for the words "each regulation" there shall be substituted the words "that regulation".   | Social Security Act 1975, section 131.                   |
| The Social Security (Claims and Payments) Regulations 1979 (S.I. 1979/628).       | In Schedule 1, in the 2nd column of paragraph 5(d), for the words "regulation 6 of the Social Security (Maternity Benefit) Regulations 1975" there shall be substituted the words "regulation 3 of the Social Security (Maternity Allowance) Regulations 1987(c)". | Social Security Act 1975, section 165A(1)(b).            |

(a) 1975 c. 14; section 22(3) was substituted by section 49(2) of and Part II of Schedule 4 to the Social Security Act 1986 (c. 50).

(b) 1975 c. 14; section 165A was inserted by Social Security Act 1985 (c. 53), section 17.

(c) S.I. 1987/416

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations)*

These Regulations, which relate to maternity allowance, are made under provisions substituted by section 49(2) of, and Part II of Schedule 4 to, the Social Security Act 1986. These provisions have not yet been in force for 12 months. Accordingly the Regulations are exempt, by section 61(5) of the Act of 1986, from reference to the Social Security Advisory Committee and are made without reference to that Committee.

Regulation 2 specifies the circumstances in which a woman is to be disqualified for receiving maternity allowance.

Regulation 3 modifies the provisions of section 22(2) of the Social Security Act 1975, which relates to the maternity allowance period, where a woman is confined before the 11th week before the expected week of confinement or is confined before she makes a claim for maternity allowance in expectation of that confinement.

Regulation 4 and the Schedule provide for revocation and consequential amendment of specified provisions; and for those provisions to continue in force for certain transitional purposes.

