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STATUTORY INSTRUMENTS

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**1988 No. 532**

**The Statutory Maternity Pay (General)  
Amendment Regulations 1988**

**Effect of statutory maternity pay on invalidity benefit**

3. Immediately after regulation 21 of the principal regulations, there shall be inserted the following regulation:

**“Effect of statutory maternity pay on invalidity benefit**

**21A.—**(1) For the purpose of determining a woman’s entitlement to invalidity pension under section 15 of the 1975 Act or under section 15 of the Social Security Pensions Act 1975(1), a day which falls within the maternity pay period shall, notwithstanding paragraph 11 of Schedule 4 to the 1986 Act, be treated as a day of incapacity for work where —

- (a) on that day she was incapable of work by reason of some specific disease or bodily or mental disablement, work for this purpose being work which the woman can reasonably be expected to do; and
- (b) that day is not treated under section 17(2) of the 1975 Act as a day which is not a day of incapacity for work; and
- (c) that day and the day immediately preceding the first day of the maternity pay period both fall within the same spell of incapacity for work, and for this purpose a spell of incapacity for work consists of 4 or more consecutive days of incapacity for work; and
- (d) the woman was entitled to invalidity pension on the day immediately preceding the first day of the maternity pay period.

(2) Where by virtue of paragraph (1) a woman is entitled to invalidity pension for any week (including part of a week), the total amount of invalidity pension (including any increase for a dependant) and invalidity allowance (invalidity benefit) payable to her for that week shall be reduced by an amount equivalent to any statutory maternity pay to which she is entitled in accordance with Part V of the 1986 Act for the same week, and only the balance, if any, of the invalidity benefit shall be payable to her.”