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STATUTORY INSTRUMENTS

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**2001 No. 2931**

**SOCIAL SECURITY  
TERMS AND CONDITIONS OF EMPLOYMENT**

**The Social Security (Medical Evidence) and Statutory Maternity Pay (Medical Evidence) (Amendment) Regulations 2001**

*Made* - - - - 20th August 2001  
*Laid before Parliament* 28th August 2001  
*Coming into force* - - 28th September 2001

The Secretary of State for Work and Pensions, in exercise of powers conferred by sections 5(1)(i), 15(1)(a) and (1A), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it <sup>(2)</sup>, and with the concurrence of the Commissioners of Inland Revenue in so far as these Regulations are made in exercise of powers requiring such concurrence <sup>(3)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Medical Evidence) and Statutory Maternity Pay (Medical Evidence) (Amendment) Regulations 2001 and shall come into force on 28th September 2001.

**Amendment of the Social Security (Medical Evidence) Regulations 1976**

2.—(1) The Social Security (Medical Evidence) Regulations 1976 <sup>(4)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(3) (evidence of incapacity for work and confinement) after the words “given by a doctor or by a registered midwife” there shall be inserted the words, “not earlier than the beginning of the 20th week before the week in which she is expected to be confined,”.

(3) In Part II of Schedule 2 (form of certificate)—

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(1) 1992 c. 5. Section 191 is cited for the meaning it gives to the word “prescribe”.  
(2) See section 173(5)(b) of the Social Security Administration Act 1992 (c. 5).  
(3) See section 15(1A) of the Social Security Administration Act 1992; subsection (1A) was inserted by paragraph 43 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).  
(4) S.I. 1976/615; the relevant amending instruments are S.I. 1987/409 and 1991/2284.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (a) for the words “*than 14 weeks*” there shall be substituted the words “*than 20 weeks*”;
- (b) for the words “Family Health Service Authority” there shall be substituted the words “Health Authority”.

**Amendment of the Statutory Maternity Pay (Medical Evidence) Regulations 1987**

**3.**—(1) The Statutory Maternity Pay (Medical Evidence) Regulations 1987<sup>(5)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (evidence of pregnancy and confinement) for the words “14th week” there shall be substituted the words “20th week”.

(3) In Part II of the Schedule (form of certificate)—

- (a) for the words “*than 14 weeks*” there shall be substituted the words “*than 20 weeks*”;
- (b) for the words “Family Health Service Authority” there shall be substituted the words “Health Authority”.

15th August 2001

*Alistair Darling*  
Secretary of State,  
Department for Work and Pensions

The Commissioners of Inland Revenue hereby concur.

20th August 2001

*Tim Flesher*  
*Dave Hartnett*  
Two of the Commissioners of Inland Revenue

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(5) S.I. 1987/235; the relevant amending instrument is S.I. 1991/2284.

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## EXPLANATORY NOTE

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

These Regulations amend the Social Security (Medical Evidence) Regulations 1976 and the Statutory Maternity Pay (Medical Evidence) Regulations 1987 which are concerned with the evidence which is to be provided in connection with claims for, respectively, maternity allowance and statutory maternity pay.

Regulation 1 provides for the citation and commencement of the Regulations.

Regulation 2 amends the Social Security (Medical Evidence) Regulations 1976. It provides that a maternity certificate from a doctor or a registered midwife is to be given not more than 20 weeks before the week the baby is expected and substitutes a reference to a Health Authority.

Regulation 3 amends the Statutory Maternity Pay (Medical Evidence) Regulations 1987. It provides that a maternity certificate from a doctor or a registered midwife is to be given not more than 20 weeks before the week the baby is expected and substitutes a reference to a Health Authority.

These Regulations do not impose any costs on business.