STATUTORY INSTRUMENTS

1977 No. 322

TERMS AND CONDITIONS OF EMPLOYMENT

The Maternity Pay (Rebate) Regulations 1977

Made - - - -	28*th February* 1977
Laid before Parliament	10*th March* 1977
Coming into Operation	6*th April* 1977

The Secretary of State, in exercise of the powers conferred on him by section 42(4) of the Employment Protection Act 1975(**a**) ("the Act") and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement.

1. These Regulations may be cited as the Maternity Pay (Rebate) Regulations 1977 and shall come into operation on 6th April 1977.

Interpretation.

2.—(1) The Interpretation Act 1889(**b**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

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

(*a*) "appropriate office" means an office of the Department of Employment designated as a Redundancy Payments Office;

(*b*) "maternity pay period" means the first weeks of absence, not exceeding six, wholly or partly because of pregnancy starting on or falling after the beginning of the 11th week before the expected date of confinement, being weeks in respect of which the payment was made;

(*c*) "the payment" means the payment of maternity pay made by the employer to the employee under section 36(1) of the Act;

(*d*) "rebate" has the same meaning as in section 42 of the Act.

Claim for rebate

3. A claim for rebate shall be made in writing at an appropriate office before the expiration of the period of 6 months beginning with the day on which the payment, or, where there was more than one payment, the final payment, is made or within such further period as the Secretary of State may in any particular case or class of cases allow.

(**a**) 1975 c. 71. (**b**) 1889 c. 63.

Particulars to be included in claim

4.—(1) The written claim required by Regulation 3 above shall contain the following particulars in so far as they are within the knowledge of the employer, and if in the case of any of the particulars the required information is not known or not completely known to the employer that fact shall be so stated, that is to say—

(*a*) the employee's name and address;

(*b*) the employee's national insurance number;

(*c*) the employee's income tax reference number;

(*d*) the date on which the employee began her current period of continuous employment and the place of her employment;

(*e*) the employee's expected date of confinement as notified to the employer;

(*f*) the date on which the maternity pay period began, or where there is more than one such period, the date on which each period began;

(*g*) if the employee's employment ceased before the maternity pay period began, the reason for, and the date of, the cessation;

(*h*) the amount of a week's pay calculated in accordance with Schedule 4 to the Act;

(*i*) the gross amount of maternity pay to which the employee is entitled as respects any week calculated in accordance with section 37 of the Act;

(*j*) any amount of any tax and voluntary deductions which fall to be deducted from the amount specified under sub-paragraph (*i*);

(*k*) the length of the maternity pay period;

(*l*) the amount of maternity pay paid to the employee;

(*m*) the amount claimed by the employer;

(*n*) the date on which payment, or, where there was more than one payment, the final payment, of maternity pay was made by the employer.

(2) In this Regulation the expression "within the knowledge of the employer" means "within the knowledge or means of knowledge of the employer or of his servants or agents" and the expression "known or completely known" shall be construed accordingly.

Provision of evidence

5.—(1) Every person who makes a claim for rebate shall provide such evidence and such other information and produce for examination on behalf of the Secretary of State such documents in his custody or under his control as the Secretary of State may require being evidence, information and documents necessary to determine the right of that person to, or the amount of, the rebate.

(2) Unless in any particular case or class of cases the Secretary of State dispenses with this requirement, every claim for a rebate shall be accompanied by a receipt signed by the employee concerned evidencing the payment by the employer to that employee of the maternity pay to which the claim relates.

Amendment of claim forms

6.—(1) This Regulation applies to claims for rebates made within the time prescribed by Regulation 3 which specify the employee or employees to which they relate but which for want of a signature or any other reason are incomplete or defective.

(2) Where a claim to which this Regulation applies is made in an amended form—

(*a*) within four weeks of being referred back to the employer by the Secretary of State; or

(*b*) before the expiration of four weeks from the time prescribed by Regulation 3;

the amended claim if made at the same appropriate office as the original claim shall be treated as having been made in the first instance.

28th February 1977.

Albert Booth,
Secretary of State for Employment.

EXPLANATORY NOTE

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

These Regulations prescribe the manner and time in which employers are required to claim from the Secretary of State the rebates to which they are entitled in respect of payments of maternity pay made by them.

SI 1977/322
ISBN 0-11-070322-7

