1954 No. 189

The National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations, 1954

Made - - - -	22*nd February*, 1954
Laid before Parliament	23*rd February*, 1954
Coming into Operation	1*st March*, 1954

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 8 of the National Insurance Act, 1953(**a**), and sections 14, 14A, 15 and 47 (1) of the National Insurance Act, 1946(**b**), and the National Insurance Joint Authority(**c**), in exercise of powers conferred by sections 10 (3) and 25 of the last-mentioned Act, in each case in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations:—

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

1.—(1) These regulations may be cited as the National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations, 1954, and shall come into operation on the 1st March, 1954.

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

" the Act of 1953 " means the National Insurance Act, 1953 ;

" the Act " means the National Insurance Act, 1946, as amended or extended by or under any other enactment, including the Act of 1953 ;

" the Minister " means the Minister of Pensions and National Insurance ;

" the appointed day " means the day(**d**) appointed by the Minister for the purposes of the Act of 1953 ;

" the determining authority " means, as the case may require, an insurance officer, a local tribunal, the National Insurance Commissioner, a deputy Commissioner or a tribunal presided over by the National Insurance Commissioner or a deputy Commissioner appointed or constituted in accordance with the National Insurance (Determination of Claims and Questions) Regulations, 1948(**e**) ;

" week " means a contribution week(**f**) ;

" the expected week of confinement " has the same meaning as in section 15 of the Act ;

and other expressions have the same meanings as in the Act.

(**a**) 1 & 2 Eliz. 2. c. 29.
(**b**) 9 & 10 Geo. 6. c. 67.
(**c**) *See* s. 63 (2), National Insurance Act, 1946, and National Insurance (Northern Ireland Reciprocal Arrangements) Regulations, 1948 (S.I. 1948/211 (Rev. XVI, p. 367: 1948 I, p. 2905)).
(**d**) 26th October, 1953. *See* S.I. 1953/1141 (C.3) (1953 I, p. 1335).
(**e**) S.I. 1948/1144 (Rev. XVI, p. 331: 1948 I, p. 2720).
(**f**) *See* s. 78 (1), National Insurance Act, 1946.

(3) References in these regulations to any enactment or regulations shall be construed as references to such enactment or regulations as amended by any subsequent enactment, order or regulations, not being any regulations made under paragraph 14 of the Second Schedule to the Act of 1953.

(4) The Interpretation Act, 1889(a), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II

PROVISIONS RELATING TO MATERNITY GRANTS AND HOME CONFINEMENT GRANTS

Maternity grants in respect of multiple births

2. A woman who is confined of twins or a greater number of children on or after the date of the coming into operation of these regulations shall, if the other conditions for the payment of a maternity grant are satisfied in respect of the confinement, be entitled in respect thereof to a maternity grant for each of them who is living at the expiration of twelve hours after the time of his birth; but it shall be a condition for such entitlement that, before the expiration of the prescribed time for making a claim for a maternity grant, she makes a claim therefor and furnishes, by such means as the determining authority shall accept as sufficient, evidence as to—

(*a*) the number of children of whom she was confined; and

(*b*) of such children, the number surviving birth by at least twelve hours.

Maternity grant in respect of expectation of confinement

3. In a case where a woman makes a claim for a maternity grant on or after the appointed day and indicates therein that she desires that the provisions of section 14 of the Act (which confers title to a maternity grant) shall apply to her with the substitution, for the condition that she has been confined, of the condition that she is pregnant and has reached a stage in her pregnancy which is not more than nine weeks before that in which it is to be expected that she will be confined,—

(*a*) that section shall so apply to her in relation to that claim; and

(*b*) in their application to such a case, the contribution conditions for a maternity grant as set out in paragraph 2 of the Third Schedule to the Act shall apply as if, for head (*b*) of sub-paragraph (2) of that paragraph, there were substituted the following:—

"(*b*) the expression 'the relevant time' means the contribution week in which it is to be expected that the claimant will be confined or, where the relevant person is the husband and he was dead or over pensionable age on the date of the making of the claim, the date of his attaining pensionable age or dying under that age."

Prescribed accommodation falling within s. 14A (1) (b) of the Act

4.—(1) Accommodation of a description falling within paragraph (*b*) of subsection (1) of section 14A of the Act (which subsection confers title to a home confinement grant and, in paragraph (*b*), describes the accommodation confinement in which does not entitle a woman to such a grant) shall include:—

(*a*) accommodation in which any part of the cost of the woman's maintenance during the period of her confinement is payable out of money provided by Parliament for Navy, Army and Air services;

(a) 52 & 53 Vict. c. 63.

(*b*) accommodation (not being hospital accommodation or accommodation in premises managed by a voluntary organisation) provided by a local health authority under section 22 of the National Health Service Act, 1946(**a**), or of the National Health Service (Scotland) Act, 1947(**b**);

(*c*) accommodation in a hospital administered by or on behalf of the Minister of Health under the provisions of the Polish Resettlement Act, 1947(**c**); and

(*d*) accommodation in which the woman is undergoing imprisonment or detention in legal custody.

(2) In the preceding paragraph, the expressions "hospital accommodation", "voluntary organisation" and "local health authority" have the same meanings as in the enactments mentioned in sub-paragraph (*b*) thereof.

Accommodation treated as not falling within s. 14*A* (1) (b) *of the Act*

5.—(1) Where a woman claims a home confinement grant in respect of a confinement which took place in, or in the course of transit to, accommodation of a description falling within paragraph (*b*) of subsection (1) of section 14A of the Act, that confinement shall be treated for the purposes of that subsection as if it had not taken place in, or in the course of transit to, accommodation of that description if it was—

(*a*) accommodation in which the whole cost of the claimant's maintenance throughout the period of her confinement was paid or payable by her; or

(*b*) accommodation in any premises (being premises managed by a voluntary organisation and used wholly or mainly for the purpose of providing accommodation for women before and after confinement, or before, during and after confinement) provided for the claimant in pursuance of arrangements made by a local authority with that voluntary organisation in accordance with a scheme made under section 21 of the National Assistance Act, 1948(**d**).

(2) In the preceding paragraph, the expressions "voluntary organisation" and "local authority" have the same meanings as in section 26 of the last-mentioned Act.

Set-off of unemployment or sickness benefit against grants

6. Where a woman has been paid unemployment or sickness benefit which it is subsequently decided was, by virtue of section 10 of the Act of 1953 (which imposes a restriction on the right to unemployment or sickness benefit), not payable, the benefit so paid shall, in so far as its amount does not exceed the amount of any maternity benefit (other than a maternity allowance) to which she is entitled, be treated as having been paid on account of that maternity benefit.

PART III

PROVISIONS RELATING TO MATERNITY ALLOWANCES

Conditions attaching to a maternity allowance in respect of expectation of confinement

7.—(1) For the purposes of paragraph (*a*) of subsection (1) of section 15 of the Act (which paragraph specifies, as a condition of a woman's entitlement to a maternity allowance, the condition that she shall have reached a stage in her pregnancy which is not more than the prescribed number of weeks before the expected week of confinement) the prescribed number of weeks shall, except in any case in relation to which the provisions of regulation 16 apply, be fourteen.

(a) 9 & 10 Geo. 6. c. 81.
(b) 10 & 11 Geo. 6. c. 27.
(c) 10 & 11 Geo. 6. c. 19.
(d) 11 & 12 Geo. 6. c. 29.

(2) A woman who has become entitled to a maternity allowance in respect of expectation of her confinement shall cease to be entitled thereto if, before the beginning of the eleventh week before the expected week of confinement, her pregnancy is terminated otherwise than by confinement.

(3) A woman who has made a claim for a maternity allowance in respect of expectation of her confinement, unless the confinement has already occurred, shall, on receipt of not less than three clear days' notice in writing given by or on behalf of the Minister, submit herself to medical examination at such time and place as may be specified in the notice.

Duration of a maternity allowance in respect of expectation of confinement

8.—(1) In relation to a case where a woman has been confined after having made a claim for a maternity allowance in respect of expectation of that confinement (other than a claim which has been disallowed) but the date of the confinement was more than eleven weeks before the expected week of confinement, subsection (2) of section 15 of the Act (which specifies the period for which a maternity allowance is payable) shall have effect as if, for the period mentioned therein, there were substituted the period of eighteen weeks beginning with the week comprising the date of the confinement.

(2) Where a woman has become entitled to a maternity allowance in respect of expectation of her confinement and the date of the confinement has not occurred before the end of the expected week of confinement, the period referred to in the said subsection (2) (hereafter in this paragraph referred to as " the allowance period ") shall—

(*a*) if the said date has not occurred before the end of the allowance period, be extended for a period of six weeks and thereafter, if and so long as the said date has not occurred, be further extended for a like period at intervals of six weeks ; and

(*b*) if the said date has occurred before the end of the allowance period, or before the end of that period as extended or further extended in accordance with the preceding sub-paragraph, be extended or further extended until the end of the sixth week after the week comprising that date:

Provided that no extension or further extension shall be made in accordance with this paragraph unless the beneficiary gives to the Minister written notice, in such form as is approved by him for the purpose, that it is still to be expected that she will be confined or (as the case may be) that she has been confined and the notice is so given before the expiration of six weeks, or such longer period not exceeding three months as the determining authority may for good cause allow, calculated—

(i) in a case falling within sub-paragraph (*a*), from the end of the allowance period or that period as extended or further extended ; or

(ii) in a case falling within sub-paragraph (*b*), from the end of the week in which the date of the confinement occurred,

and the beneficiary thereafter furnishes, by such means as the determining authority shall accept as sufficient, evidence in confirmation of her notice.

Conditions for, and duration of, a maternity allowance by virtue of the fact of confinement

9.—(1) In relation to a case where a woman has been confined on or after the date of the coming into operation of these regulations without having previously made a claim for a maternity allowance in respect of expectation of the confinement (other than any claim which has been disallowed)—

(*a*) subsection (1) of section 15 of the Act shall have effect as if, for the condition for entitlement to a maternity allowance contained in paragraph (*a*) of that subsection, there were substituted the condition that the woman has been confined ;

(*b*) subsection (2) of that section shall have effect (subject to the following provisions of this regulation) as if, for the period mentioned therein, there were substituted the period of seven weeks beginning with the week comprising the date of the confinement; and

(*c*) the contribution conditions set out in paragraph 3 of the Third Schedule to the Act shall have effect as if, for the reference in sub-paragraph (*a*) of that paragraph to the expected week of confinement, there were substituted a reference to the week comprising the date of the confinement.

(2) Where, in any such case as is mentioned in the preceding paragraph (not being a case in which the next following paragraph applies), the woman—

(*a*) is confined on a date before the expected week of confinement;

(*b*) failed to make, before her confinement, a claim for a maternity allowance in respect of expectation of the confinement; and

(*c*) makes a claim for a maternity allowance by virtue of the fact that she has been confined;

subsection (2) of section 15 of the Act shall, in relation to that case, have effect as if, for the period mentioned therein, there were substituted a reference,—

(i) where the date of the confinement was more than eleven weeks before the expected week of confinement, to the period of eighteen weeks beginning with the week comprising that date; and

(ii) where that date was not more than eleven weeks before the expected week of confinement, to the period beginning with the first day of the week comprising that date and ending with the last day of the sixth week after the expected week of confinement.

(3) Where, in any such case as is mentioned in paragraph (1) of this regulation, the woman, having failed to make, before her confinement, a claim for a maternity allowance in respect of expectation of her confinement,—

(*a*) is confined on a date not earlier than the first day of the eleventh week before the expected week of confinement;

(*b*) makes a claim for a maternity allowance by virtue of the fact that she has been confined; and

(*c*) shows to the satisfaction of the determining authority that, throughout a period commencing not earlier than the eleventh week before the week comprising the date of the confinement and ending immediately before that date, she—

(i) did no work as an employed(**a**) or self-employed(**a**) person (including any such work which by virtue of any regulations made under the Act is to be disregarded for the purpose of the classification of insured persons); and

(ii) had good cause for her failure to make a claim in respect of expectation of her confinement;

subsection (2) of section 15 of the Act shall, in relation to that case, have effect as if, for the period mentioned therein, there were substituted a reference to the period commencing with the first day of the period referred to in sub-paragraph (*c*) of this paragraph and ending with the appropriate date determined in accordance with the next following paragraph:

Provided that this paragraph shall not apply in any case where the said first day is a day in the week comprising the date of the confinement.

(**a**) *See* s. 1(2), National Insurance Act, 1946.

(4) The said appropriate date shall be,—

(*a*) in a case where the woman is confined before the expected week of confinement, the last day of the sixth week after the expected week of confinement; or

(*b*) in any other case, the last day of the sixth week after the week comprising the date of the confinement:

Provided that, if the appropriate date determined in accordance with the foregoing provisions of this paragraph is later than the end of the period of eighteen weeks commencing with the first day of the period referred to in sub-paragraph (*c*) of the last foregoing paragraph, the appropriate date shall not be so determined but shall be the last day of the period of eighteen weeks commencing with the said first day.

(5) In paragraphs (2) to (4) of this regulation, the expression "the expected week of confinement" means, in relation to a woman who has been confined, the week in which it was to have been expected that she would be confined.

Modification of s. 15 (3) *of the Act*

10. Where, in accordance with any provision of the last two foregoing regulations, subsection (2) of section 15 of the Act is to have effect, as if, for the period mentioned therein, there were substituted another period, subsection (3) of that section (which relates to the death of a woman entitled to a maternity allowance) shall have effect accordingly but in relation only to a death after the beginning of that other period.

Contributions treated as equivalent to contributions of the appropriate class in relation to a maternity allowance

11.—(1) In any case where a woman claims a maternity allowance and, in respect of weeks included in the relevant period, not less than thirty-nine contributions as an employed or self-employed person have been paid by or credited to her and, of those contributions, not less than twenty-six are contributions actually paid, then, for the purpose of the reference in paragraph 3 of the Third Schedule to the Act (in which paragraph there are set out the contribution conditions for a maternity allowance) to contributions of the appropriate class or their equivalent, there shall be treated as equivalent to a contribution of the appropriate class every contribution as a non-employed person paid by or credited to the claimant in respect of a week included in the relevant period.

(2) The reference in the foregoing paragraph to paragraph 3 of the Third Schedule to the Act shall, in any case in relation to which the provisions of regulation 9 apply, be construed as a reference to that paragraph as modified in accordance with those provisions.

(3) In this regulation, the expression "the relevant period" means, in the case of any woman claiming a maternity allowance, the period of fifty-two weeks in respect of which the contribution conditions for the allowance are required to be satisfied in her case.

Increase of the weekly rate of a maternity allowance

12.—(1) Subject to the following provisions of this regulation, the weekly rate of a maternity allowance shall, for the periods specified in the provisions of section 8 of the Act of 1953 (which section provides for increasing a maternity allowance in certain cases), be increased by the amounts specified in those provisions.

(2) The weekly rate of a maternity allowance shall not be increased under this regulation in respect of any person for any such period as is mentioned in paragraphs (*c*) and (*d*) of subsection (2) of section 8 of the Act of 1953 unless the beneficiary would, if she were entitled to sickness benefit for that period, be entitled for that period to an increase of sickness benefit in respect of that person if she had made the necessary claim; and, for the purposes of the application of the provisions of this paragraph, any such period shall be deemed not to include a Sunday or such other day as is to be disregarded for the purposes of any provision of the Act relating to unemployment or sickness benefit.

(3) Regulations made under subsection (1) of section 34 of the Act and providing for determining the circumstances in which a person is or is not to be deemed for the purposes of Part II of the Act to be wholly or mainly maintaining another person shall apply for the purposes of this regulation.

(4) The foregoing provisions of this regulation shall have effect subject to the provisions of regulation 11 of the National Insurance (Married Women) Regulations, 1948(a) (which imposes an additional condition for the receipt by a married woman of an increase of benefit in respect of a child).

Partial satisfaction of the contribution conditions for a maternity allowance

13.—(1) Where a woman would be entitled to a maternity allowance but for the fact that the relevant contribution conditions set out in paragraph 3 of the Third Schedule to the Act, though satisfied as respects the twenty-six contributions required to have been actually paid, are not satisfied as respects the fifty contributions required to have been paid by or credited to the claimant, she shall nevertheless be entitled to a maternity allowance payable in accordance with the following provisions of this regulation.

(2) Where a woman is entitled to a maternity allowance by virtue of the foregoing paragraph,—

(*a*) the respective weekly rates of the allowance and of any increase thereof in respect of an adult dependant shall be those set out in the second and third columns respectively of the following table opposite to the numbers set out in the first column which include the number of contributions of the appropriate class or their equivalent paid by or credited to her in respect of the relevant period; and

(*b*) the amount of any increase of the allowance in respect of a child shall be the same as if the relevant contribution conditions had been fully satisfied.

Numbers including the number of contributions paid or credited in respect of the relevant period	Weekly rate	
	Of maternity allowance without increase	Of increase in respect of adult dependant
	s. d.	s. d.
48–49	31 6	21 0
46–47	30 0	20 0
43–45	28 6	19 0
40–42	26 6	17 6
37–39	24 0	16 0
34–36	21 6	15 0
30–33	19 0	13 0
26–29	16 6	11 0

(a) S.I. 1948/1470 (Rev. XVI, p. 123: 1948 I, p. 2795).

(3) In this regulation,—

(*a*) references to the relevant contribution conditions include references to those conditions as modified in their application to cases falling within regulation 9 ;

(*b*) " the relevant period " means, in relation to any woman, the period in respect of which not less than fifty contributions of the appropriate class or their equivalent are, by the relevant contribution conditions, required to have been paid by or credited to her.

Disqualification for the receipt of a maternity allowance

14.—(1) As from the appointed day, a woman shall be disqualified for receiving a maternity allowance—

(*a*) if, during the period for which the allowance is payable, she does any work as an employed or self-employed person (including any such work which by virtue of any regulations made under the Act is to be disregarded for the purpose of the classification of insured persons), and such disqualification shall be for such part of the said period (but for not less than the number of days on which the woman so worked during the said period) as may be decided by the determining authority ;

(*b*) if, during the said period, she fails without good cause to observe the following rule of behaviour, namely, to take due care of her health and to answer any reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by the Minister or his officers directed to ascertaining whether she is doing so, and such disqualification shall be for such part of the said period as may be decided by the determining authority ; or

(*c*) if she fails without good cause to attend for or to submit herself to any medical examination required in accordance with paragraph (3) of regulation 7, and such disqualification shall be for such part of the said period (being a part beginning not earlier than the day on which the failure occurs) as may be decided by the determining authority, subject to the qualification that in the event of her being confined after such failure she shall not by reason of such failure be so disqualified for the day on which the confinement occurs or any day thereafter.

(2) References in this regulation to the period for which a maternity allowance is payable shall be construed as references to the period mentioned in subsection (2) of section 15 of the Act or, in a case in relation to which that subsection is modified in accordance with the provisions of this Part of these regulations, as references to the period mentioned in that subsection as so modified.

Fractions of a penny

15. Where any sum payable by way of a maternity allowance would, but for this regulation, include a fraction of a penny, that fraction shall be disregarded if it is less than a halfpenny and shall be treated as a penny if it is a halfpenny or more.

Temporary provisions as to a maternity allowance in respect of expectation of confinement

16. Notwithstanding the provisions of paragraph (1) of regulation 7, the prescribed number of weeks for the purposes of paragraph (*a*) of subsection (1) of section 15 of the Act shall be—

(*a*) eleven in relation to a woman in whose case the expected week of confinement begins on or before the 21st December, 1953 ;

(*b*) twelve in relation to a woman in whose case that week begins on the 28th December, 1953;

(*c*) thirteen in relation to a woman in whose case that week begins on the 4th January, 1954.

PART IV

REVOCATIONS, AMENDMENTS AND SAVINGS

Revocation of provisions relating to maternity benefit

17. The National Insurance (Maternity Benefit) Regulations, 1948(**a**), and the National Insurance (Maternity Benefit) Amendment Regulations, 1949(**b**), are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

Amendment of provisions relating to medical certification

18. In the National Insurance (Medical Certification) Regulations, 1948(**c**), as amended(**d**), there shall be made the following amendments:—

(1) in paragraph (2) of regulation 2 (which regulation, as amended by regulation 3 of the National Insurance (Medical Certification) Amendment Regulations, 1952(**e**), is set out in the First Schedule to those regulations (hereafter in this regulation referred to as "the amending regulations of 1952") and relates to the furnishing of evidence in connection with claims for sickness benefit and maternity benefit)—

(*a*) for the words "that she has been, or that it is to be expected that she will be, confined", there shall be substituted the following sub-paragraphs—

"(*a*) where the claim is made in respect of expectation of confinement, that she is pregnant and as to the stage which she has reached in her pregnancy; or

(*b*) where the claim is made by virtue of the fact of confinement, that she has been confined,"; and

(*b*) for the words "or by means of such other certificate", there shall be substituted the words "or by such other means";

and that paragraph shall accordingly have effect as set out in Part I of the First Schedule to these regulations.

(2) In rule 1 of the rules for certification contained in Part II of the Schedule, for the word "the" (where it precedes the words "registered medical practitioner") there shall be substituted the word "a".

(3) For the form of certificate of confinement set out in Part II of the Schedule (being the first of the forms set out in the Fifth Schedule to the amending regulations of 1952), there shall be substituted the form of certificate set out in Part II of the First Schedule to these regulations.

(4) In the form of certificate of expected confinement set out in Part II of the Schedule (being the second of the forms set out in the Fifth Schedule to the amending regulations of 1952), for the word "eleventh", there shall be substituted the word "fourteenth".

(**a**) S.I. 1948/1166 (Rev. XVI, p. 192: 1948 I, p. 2635).
(**b**) S.I. 1949/1389 (1949 I, p. 2694).
(**c**) S.I. 1948/1175 (Rev. XVI, p. 324: 1948 I, p. 2803).
(**d**) S.I. 1949/1981, 1952/992 (1949 I, p. 2730: 1952 II, p. 2180).
(**e**) S.I. 1952/992 (1952 II, p. 2180).

Amendment of provisions relating to claims and payments

19. In the National Insurance (Claims and Payments) Regulations, 1948(**a**), as amended(**b**), there shall be made the following amendments:—

(1) For paragraph 3 of Part I of the Second Schedule (which Schedule is included by virtue of regulation 3 of the National Insurance (Claims and Payments) Amendment Regulations, 1952(**c**)) there shall be substituted the paragraph set out in Part III of the First Schedule to these regulations.

(2) In paragraph 1 of Part II of the said Second Schedule,—

(*a*) at the end of sub-paragraph (1), there shall be added the following proviso:—

"Provided that the foregoing provisions of this sub-paragraph shall not—

(*a*) be applied in relation to a claim for a maternity grant in respect of expectation of the claimant's confinement; or

(*b*) so be applied, in relation to a claim for a maternity allowance in respect of expectation of the claimant's confinement, that the prescribed time for making that claim is extended to the date of confinement or to any date thereafter"; and

(*b*) at the end of sub-paragraph (2), there shall be added the following proviso:—

"Provided that, where the claimant is a woman claiming a maternity allowance in respect of expectation of her confinement, the foregoing provisions of this sub-paragraph shall be applied only if the claim is made before the date of the confinement";

and accordingly the said paragraph 1 shall have effect as set out in Part IV of the First Schedule to these regulations.

(3) In sub-paragraph (*a*) of paragraph 2 of the said Part II, the words "or attendance allowance" shall be omitted.

(4) For paragraph 7 of the said Part II, there shall be substituted the paragraph set out in Part V of the First Schedule to these regulations.

Amendment of provisions relating to contributions

20. In the National Insurance (Contributions) Regulations, 1948(**d**), as amended(**e**), there shall be made the following amendments:—

(1) In regulation 8,—

(*a*) for the words "in so far as an attendance allowance is payable to her in respect of any such week, and", there shall be substituted the words "and, if one of the following conditions is satisfied,";

(*b*) in each of paragraphs (*a*) and (*b*), for the words "before the date of the confinement", there shall be substituted the words "before the benefit year which includes the date of the confinement";

(*c*) paragraph (*c*) shall be omitted; and

(**a**) S.I. 1948/1041 (Rev. XVI, p. 313: 1948 I, p. 2709).
(**b**) Reg. 12 of, and paragraphs 1–4 of Second Schedule to, National Insurance (Death Grant) Regulations, 1949 (S.I. 1949/1204 (1949 I, p. 2708)); reg. 17, National Insurance (Increase of Benefit, Re-entry into Regular Employment and Miscellaneous Provisions) Regulations, 1951 (S.I. 1951/1232 (1951 I, p. 1457)); S.I. 1952/1207 (1952 II, p. 2122).
(**c**) S.I. 1952/1207 (1952 II, p. 2122).
(**d**) S.I. 1948/1417 (Rev. XVI, p. 164: 1948 I, p. 2767).
(**e**) S.I. 1949/1171, 1950/330, 1947, 1952/1393, 2185 (1949 I, p. 2707; 1950 II, pp. 15, 20; 1952 II, pp. 2140, 2143).

(*d*) there shall be added the following paragraph:—

"(2) A woman who, but for the provisions of the foregoing paragraph, would be liable to pay a contribution as a self-employed or non-employed person for any week and to whom a contribution is not to be credited for that week in accordance with those provisions may, if she so desires, pay for that week the contribution which, but for the said provisions, she would be liable to pay.";

and accordingly that regulation shall have effect as set out in Part VI of the First Schedule to these regulations.

(2) In regulation 9,—

(*a*) in paragraph (*a*), for the words "if the condition specified in paragraph (*a*) of regulation 8 has been satisfied", there shall be substituted the words "if not less than twenty-six contributions as an employed person were paid by or credited to her in respect of the fifty-two weeks in respect of which the contribution conditions for the allowance (being either the relevant contribution conditions or those conditions as modified by regulations in their application to cases falling within subsection (6) of section 15 of the Act) were required to have been satisfied";

(*b*) in paragraph (*b*), for the words "if the said condition has not been satisfied", there shall be substituted the words "in any other case"; and

(*c*) the proviso shall be omitted;

and accordingly that regulation shall have effect as set out in Part VII of the First Schedule to these regulations.

(3) In sub-paragraph (*c*) of paragraph (3) of regulation 14, the words "any payment by way of attendance allowance under section 14 of the Act, and" shall be omitted.

(4) In regulation 16, after the words "of these regulations", there shall be inserted the words "or under any regulations which provide for treating contributions as a non-employed person as equivalent to contributions of the appropriate class for the purpose of a maternity allowance,".

(5) In regulation 23 (which regulation is included by virtue of regulation 3 of the National Insurance (Contributions) Amendment Regulations, 1950(**a**), and provides for treating, for the purpose of a right to maternity benefit, contributions paid after the due dates as paid on those dates),—

(*a*) for paragraph (1), there shall be substituted the following paragraph:—

"(1) For the purpose of any right to a maternity allowance, a contribution under the Act paid after the due date shall be treated—

(*a*) if paid before the expiry of the maternity allowance period or the period of four weeks after the date on which the claim for the allowance is made (whichever period ends later)—as paid on the due date;

(*b*) if paid after the expiry of whichever of the said periods ends later—as not paid;

and, for the purposes of this paragraph, the expression "the maternity allowance period" means the period mentioned in subsection (2) of section 15 of the Act or, in a case in relation to which that subsection is modified in accordance with regulations made under subsection (6) of that section, the period mentioned in the said subsection (2) as so modified"; and

(**a**) S.I. 1950/330 (1950 II, p. 15).

(*b*) in paragraph (2), the words "or attendance allowance" shall be omitted;

and accordingly that regulation shall have effect as set out in Part VIII of the First Schedule to these regulations.

Amendment of miscellaneous provisions

21. In the regulations referred to in the first and second columns of the Second Schedule to these regulations, there shall be made the amendments specified in the third column of that Schedule.

Savings

22.—(1) None of the foregoing provisions of this Part of these regulations shall have effect either—

(*a*) for any purpose relating to entitlement to, or the amount or rate of, any benefit to which a woman is entitled, or but for those provisions would be or become entitled,—

(i) by virtue of a certificate that it is to be expected that she will be confined in a week ending before the appointed day; or

(ii) by virtue of a certificate that she has been confined before the appointed day; or

(*b*) for the purposes of the application of the old provisions in accordance with Part II of the Second Schedule to the Act of 1953 (unless it has effect for those purposes in accordance with any regulations made under paragraph 14 of that Schedule).

(2) In this regulation the expression "the old provisions" has the same meaning as in Part II of the Second Schedule to the Act of 1953.

Revocation of provisional regulations

23. The National Insurance (Maternity Benefit and Miscellaneous Provisions) Provisional Regulations, 1953(**a**), are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

Given under the Official Seal of the Minister of Pensions and National Insurance this 20th day of February, nineteen hundred and fifty-four.

(L.S.) *Osbert Peake,*
Minister of Pensions and National Insurance.

Given under the Official Seal of the National Insurance Joint Authority this 19th day of February, nineteen hundred and fifty-four.

(L.S.) *T. C. Stephens,*
Secretary,
National Insurance Joint Authority.

Dated this 22nd day of February, nineteen hundred and fifty-four.

T. G. D. Galbraith,
Dennis Vosper,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(**a**) S.I. 1953/1153 (1953 I, p. 1342).

FIRST SCHEDULE

PROVISIONS AS AMENDED OR SUBSTITUTED BY THESE REGULATIONS

PART I Regulation 18 (1)

REGULATION 2 (2) OF THE NATIONAL INSURANCE (MEDICAL CERTIFICATION) REGULATIONS, 1948, AS AMENDED BY THESE REGULATIONS*

(2) Every woman by whom or on whose behalf a claim for maternity benefit is made shall furnish evidence—

(*a*) *where the claim is made in respect of expectation of confinement, that she is pregnant and as to the stage which she has reached in her pregnancy; or*

(*b*) *where the claim is made by virtue of the fact of confinement, that she has been confined,*

and shall furnish such evidence by means of a certificate given in accordance with the rules for certification set out in Part II of the said Schedule on the appropriate form as set out in that Part, *or by such other means* as the determining authority may accept as sufficient in the circumstances of any particular case or class of cases; and, for the purposes of this paragraph, the expression "certificate" shall not include a certificate which is given only by the person by whom or on whose behalf the claim is made.

PART II Regulation 18 (3)

FORM OF CERTIFICATE OF CONFINEMENT SUBSTITUTED FOR THE LIKE CERTIFICATE SET OUT IN PART II OF THE SCHEDULE TO THE NATIONAL INSURANCE (MEDICAL CERTIFICATION) REGULATIONS, 1948

Certificate of Confinement(*a*)

(To be given by a registered medical practitioner or certified midwife.)

I certify that I attended.....in connection with her confinement(*a*) which took place at..... ..... (address)

and that she was there delivered of ——— a child ..... children(*b*)

on the.....day of....., 19.....

(*It is important that, where the medical practitioner or midwife considers that the confinement(a) took place before the contribution week(c) in which it was expected, the following paragraph should be completed. In any other case, it should be struck through.*)

I certify that, in my opinion, it was to be expected that she would be confined(*a*) in the contribution week(*c*) containing the.....day of ....., 19.....

Signature.....

(If Certified Midwife, add Registered Number..... or Address and Date of Qualification..... ....)

Date of examination.....

Date of signing.....

NOTES:

(*a*) Confinement is so defined by the National Insurance Act, 1946, that this certificate can only be given—

(i) where labour results in the issue of a living child

or

(ii) where labour results in the issue of a dead child and pregnancy has lasted for at least 28 weeks.

The certificate must not be given in any other circumstances.

(*b*) Insert number of children, if more than one.

(*c*) A contribution week is one which begins on a Monday.

* The words substituted by these regulations are shown in italics.

Part III Regulation 19 (1)

PARAGRAPH SUBSTITUTED FOR PARAGRAPH 3 OF PART I OF THE SECOND SCHEDULE TO THE NATIONAL INSURANCE (CLAIMS AND PAYMENTS) REGULATIONS, 1948

3. Maternity benefit—

(*a*) Maternity grant in respect of expectation of confinement.	(*a*) The period beginning with the ninth contribution week before the contribution week in which it is to be expected that the claimant will be confined and ending immediately before the date of the confinement.	The benefit claimed.
(*b*) Maternity grant by virtue of the fact of confinement. (*c*) Home confinement grant.	The period of three months beginning with the date of the confinement.	
(*d*) Maternity allowance in respect of expectation of confinement (not being an increase of benefit in respect of a child or adult dependant).	(*d*) The period of three weeks beginning with the fourteenth contribution week before the contribution week in which it is to be expected that the claimant will be confined.	Benefit in respect of any period before the beginning of the contribution week in which the claim is made.
(*e*) Maternity allowance by virtue of the fact of confinement (not being an increase of benefit in respect of a child or adult dependant).	(*e*) The period of three weeks beginning with the date of the confinement.	
(*f*) Increase of maternity allowance in respect of a child or adult dependant.	(*f*) The longer of the two following periods— (i) The period of one month from the first day of the period in respect of which the claim is made; or (ii) The period beginning with that day and ending one month after the date on which the claim (not being a claim made after the prescribed time therefor) for the allowance (other than the increase) is made.	(*f*) Benefit in respect of any period more than one month before the date on which the claim is made.

PART IV Regulation 19 (2)

PARAGRAPH 1 OF PART II OF THE SECOND SCHEDULE TO THE NATIONAL INSURANCE (CLAIMS AND PAYMENTS) REGULATIONS, 1948, AS AMENDED BY THESE REGULATIONS*

Late claims.

1.—(1) If in any case the claimant proves (subject to the provisions of paragraph 5 of this Part) that there was good cause for the failure to make the claim before the date on which it was made, the prescribed time for making that claim shall (subject to the provisions of paragraph 2 of this Part) be extended to the date on which the claim is made:

Provided that the foregoing provisions of this sub-paragraph shall not—

(a) be applied in relation to a claim for a maternity grant in respect of expectation of the claimant's confinement; or

(b) so be applied, in relation to a claim for a maternity allowance in respect of expectation of the claimant's confinement, that the prescribed time for making that claim is extended to the date of the confinement or to any date thereafter.

(2) If in any case the claimant proves—

(a) that on a date earlier than the date on which the claim was made, apart from satisfying the condition of making a claim, he was entitled to the benefit; and

(b) (subject to the provisions of paragraph 5 of this Part) that throughout the period between the earlier date and the date on which the claim was made there was good cause for delay in making such claim;

he shall not (subject to the provisions of paragraph 2 of this Part) be disqualified under Part I of this Schedule for receiving any benefit to which he would have been entitled if the claim had been made on the said earlier date:

Provided that, where the claimant is a woman claiming a maternity allowance in respect of expectation of her confinement, the foregoing provisions of this sub-paragraph shall be applied only if the claim is made before the date of the confinement.

PART V Regulation 19 (4)

PARAGRAPH SUBSTITUTED FOR PARAGRAPH 7 OF PART II OF THE SECOND SCHEDULE TO THE NATIONAL INSURANCE (CLAIMS AND PAYMENTS) REGULATIONS, 1948

7. A claim for an increase of maternity allowance in respect of a child or adult dependant may be made before the prescribed time for making such a claim if, but only if—

(a) the claimant is entitled to a maternity allowance or would be so entitled if she made the necessary claim; and

(b) in a case where the day on which the claim for the increase is to be made occurs before the commencement of the period for which the allowance is or would be payable, the claimant would be entitled to an increase of the allowance for that day in respect of the child or adult dependant in respect of whom the claim is to be made if the allowance were payable to her for a period including that day and she made the necessary claim, or, in any other case, the claimant is so entitled or would be so entitled if she made the necessary claim:

Provided that a claim which is so made shall be treated as not having been made unless, within the prescribed time for making such a claim, the claimant furnishes such certificates, documents, information and evidence as may be required in accordance with the provisions of regulation 5.

* The words added by these regulations are shown in italics.

PART VI Regulation 20(1)

REGULATION 8 OF THE NATIONAL INSURANCE (CONTRIBUTIONS) REGULATIONS, 1948, AS AMENDED BY THESE REGULATIONS*

Insured women who have been confined

8.—(1) An insured woman shall be excepted from liability to pay a contribution as a self-employed or non-employed person for any week in which she is confined, and for each of the three succeeding weeks, *and, if one of the following conditions is satisfied,* a contribution shall be credited to her for that week as follows, provided a contribution as an employed person is not payable for that week:—

(*a*) if not less than twenty-six contributions as an employed person have been paid by or credited to the insured woman in respect of the last complete contribution year *before the benefit year which includes the date of the confinement,* a contribution as an employed person;

(*b*) if not less than twenty-six contributions, whether as an employed person or self-employed person, have been paid by or credited to the insured woman in respect of the last complete contribution year *before the benefit year which includes the date of the confinement,* a contribution as a self-employed person.

(2) *A woman who, but for the provisions of the foregoing paragraph, would be liable to pay a contribution as a self-employed or non-employed person for any week and to whom a contribution is not to be credited for that week in accordance with those provisions may, if she so desires, pay for that week the contribution which, but for the said provisions, she would be liable to pay.*

PART VII Regulation 20(2)

REGULATION 9 OF THE NATIONAL INSURANCE (CONTRIBUTIONS) REGULATIONS, 1948, AS AMENDED BY THESE REGULATIONS*

Maternity allowance

9. An insured woman shall be excepted from liability to pay a contribution under the Act for any week in respect of which a maternity allowance is payable to her, and a contribution shall be credited to her for that week as follows:—

(*a*) *if not less than twenty-six contributions as an employed person were paid by or credited to her in respect of the fifty-two weeks in respect of which the contribution conditions for the allowance (being either the relevant contribution conditions or those conditions as modified by regulations in their application to cases falling within subsection (6) of section 15 of the Act) were required to have been satisfied,* a contribution as an employed person;

(*b*) *in any other case,* a contribution as a self-employed person.

PART VIII Regulation 20(5)

REGULATION 23 OF THE NATIONAL INSURANCE (CONTRIBUTIONS) REGULATIONS, 1948, AS AMENDED BY THESE REGULATIONS*

Treatment for the purposes of maternity benefit of late paid contributions

23.—(1) *For the purpose of any right to a maternity allowance, a contribution under the Act paid after the due date shall be treated—*

(*a*) *if paid before the expiry of the maternity allowance period or the period of four weeks after the date on which the claim for the allowance is made (whichever period ends later)—as paid on the due date;*

(*b*) *if paid after the expiry of whichever of the said periods ends later—as not paid;*

and, for the purposes of this paragraph, the expression "the maternity allowance period" means the period mentioned in subsection (2) of section 15 of the Act or, in a case in relation to which that subsection is modified in accordance with regulations made under subsection (6) of that section, the period mentioned in the said subsection (2) as so modified.

(2) For the purpose of any right to a maternity grant, a contribution under the Act paid after the due date shall be treated—

(*a*) if paid before the expiry of the period of three months after the date of confinement—as paid on the due date;

(*b*) if paid after the expiry of the said period of three months—as not paid.

* The words added or substituted by these regulations are shown in italics.

SECOND SCHEDULE Regulation 21

AMENDMENT OF MISCELLANEOUS PROVISIONS

Regulations amended		Amendments
Statutory Instrument	Citation	
S.I. 1948/1144; Rev. XVI, p. 331; 1948 I, p. 2720.	The National Insurance (Determination of Claims and Questions) Regulations, 1948.	In sub-paragraph (*b*) of paragraph (1) of regulation 19, the words "and attendance allowance" shall be omitted.
S.I. 1948/1275; Rev. XVI, p. 88; 1948 I, p. 2864.	The National Insurance (Residence and Persons Abroad) Regulations, 1948.	1. In paragraph (1) of regulation 8 (which regulation, as amended by the National Insurance (Residence and Persons Abroad) Amendment Regulations, 1952(a), is set out in the Schedule to those regulations), for the words "or an attendance allowance by reason of the confinement occurring", there shall be substituted the words "by reason of the fact that, on the date of the confinement, she is"; and, for the words "any such benefit", there shall be substituted the words "a maternity grant". 2. In sub-paragraph (*a*) of paragraph (2) of the said regulation 8, the words "or attendance allowance" shall be omitted. 3. In sub-paragraph (*b*) of the said paragraph (2), for the words "payable to a woman by virtue of a certificate that it is to be expected that she will be confined", there shall be substituted the words "in respect of expectation of a woman's confinement".
S.I. 1948/1277; Rev. XVI, p. 212; 1948 I, p. 2676.	The National Insurance (Unemployment and Sickness Benefit) Regulations, 1948.	In paragraph (*a*) of regulation 8, for the words "or attendance allowance", there shall be substituted the words "or any other day falling within the period of four weeks beginning with the date of a woman's confinement (as defined for the purposes of the provisions of the Act relating to maternity benefit)".
S.I. 1948/2711; Rev. XVI, p. 196; 1948 I, p. 2657.	The National Insurance (Overlapping Benefits) Regulations, 1948.	1. In paragraph (2) of regulation 6, the words "not being personal benefit by way of attendance allowance" shall be omitted.

(a) S.I. 1952/1407 (1952 II, p. 2205).

Regulations amended		Amendments
Statutory Instrument	Citation	
S.I. 1948/2711; Rev. XVI, p. 196; 1948 I, p. 2657—*contd.*	The National Insurance (Overlapping Benefits) Regulations, 1948—*contd.*	2. In each of paragraphs (*a*) and (*b*) of regulation 8, after the words "maternity grant", there shall be inserted the words "home confinement grant". 3. Paragraphs (2) and (4) of Columns 1 and 2 of the Schedule shall be omitted.
S.I. 1949/875; 1949 I, p. 2731.	The National Insurance (Members of the Forces) Regulations, 1949.	In paragraph (1) of regulation 9, the words "or attendance allowance" shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, which are made in consequence of the National Insurance Act, 1953, revoke and replace (with modifications) the National Insurance (Maternity Benefit and Miscellaneous Provisions) Provisional Regulations, 1953. They provide for entitling a woman to a maternity grant in expectation of confinement and for the payment of more than one maternity grant in respect of multiple births. For the purpose of a home confinement grant (title to which depends on the accommodation in which the confinement occurs), they prescribe certain descriptions of accommodation. They contain provisions relating to the conditions for, and the duration of, a maternity allowance whether in expectation of confinement or by virtue of actual confinement. They make provision for enabling a woman in certain circumstances to satisfy the contribution conditions for a maternity allowance in part by the payment of contributions of any class. They provide for increasing the weekly rate of a maternity allowance in respect of a child or adult dependant and for entitling a woman in whose case the contribution conditions are partly satisfied to such an allowance at a reduced rate, and contain provisions for disqualifying a woman for the receipt of a maternity allowance in certain circumstances. They also revoke the National Insurance (Maternity Benefit) Regulations, 1948, and the amending Regulations of 1949. The remaining provisions are of a minor or consequential character.

The preliminary draft of these Regulations (described on its publication as the preliminary draft of the National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations, 1953) was submitted to the National Insurance Advisory Committee in accordance with section 77 of the National Insurance Act, 1946, and their report thereon, dated the 22nd January, 1954, is contained in the House of Commons Paper No. 97 (Session 1953-54) published by Her Majesty's Stationery Office.