custody (regulation 6); the suspension of payment of benefit during imprisonment and such detention (regulation 7); special provisions relating to the interim payment of benefits, arrears and repayment of benefit (regulation 8); and the disregarding of disqualifications for benefit for the purposes of certain provisions of the National Insurance Act, 1946 (regulation 9).

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(2) MATERNITY AND SICKNESS

The National Insurance (Maternity Benefit) Regulations, 1948

1948 No. 1166

Made - - - -	*2nd June*, 1948
Laid before Parliament	*2nd June*, 1948
Coming into Operation	*9th June*, 1948

104.

The National Insurance Joint Authority, in exercise of the powers conferred by sections 14 (3) and (6), 15 and 16 of the National Insurance Act, 1946, and of all other powers enabling them in that behalf, hereby make the following regulations:— 9 & 10 Geo. 6. c. 67.

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Maternity Benefit) Regulations, 1948, and shall come into operation on the 9th June, 1948.

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

" the Act " means the National Insurance Act, 1946;

" the Minister " means the Minister of National Insurance;

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

" certificate of expected confinement " means the certificate by a qualified practitioner(b) referred to in paragraph (*a*) of subsection (1) of section 15 of the Act;

" week " means a contribution week(c);

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

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

(a) S.I. 1948 No. 1144, p. 2720 below.

(b) *See* s. 16 (1) (c), National Insurance Act, 1946, and reg. 5 of these regulations.

(c) *See* s. 78 (1), National Insurance Act, 1946.

Maternity grant.

2. Where a woman's claim to a maternity grant indicates that she desires the grant to be payable by virtue of a certificate given by a qualified practitioner that it is to be expected that she will be confined(a) (instead of by virtue of a certificate that she has been confined), the claim shall be dealt with on that basis, provided that the expected week of confinement specified in the certificate is not more than seven weeks after that in which the certificate is given, and subject to the qualification that not more than one maternity grant shall be payable before the confinement.

Maternity allowance.

3.—(1) The expected week of confinement to be specified in any certificate given by a qualified practitioner under paragraph (*a*) of subsection (1) of section 15 of the Act (which subsection relates to entitlement to a maternity allowance by virtue of a certificate of expected confinement) shall not be more than seven weeks after the week in which the certificate is given.

(2) Where any question arises as to the correctness of a certificate by virtue of which a woman claims or is entitled to a maternity allowance, she shall, unless the confinement has already occurred, on receipt of not less than three clear days notice in writing given by the Minister, submit herself to medical examination at such time and place as may be specified in the notice with a view to obtaining a further certificate.

(3) Where in respect of a claim to maternity allowance a certificate of expected confinement has not been given, and it is certified by a qualified practitioner that a woman has been confined, the provisions of paragraph (*a*) of subsection (1) of section 15 of the Act shall for the purposes of that claim be applied as if the condition therein were that it had been certified by a qualified practitioner that the woman concerned had been confined.

(4) Subject to the provisions of paragraph (5) of this regulation and of regulation 4, the period for which a maternity allowance to which the foregoing paragraph applies is payable, shall, notwithstanding the provisions of subsection (2) of the said section 15 (which subsection relates to the period for which a maternity allowance is normally payable), be the period of seven weeks beginning with the week in which the confinement occurred.

(5) Notwithstanding the provisions of the foregoing paragraph, a maternity allowance shall, in a case to which paragraph (3) of this regulation is applicable, be paid in accordance with the following provisions:—

(*a*) If it is certified by a qualified practitioner that the woman's confinement was premature and that it was expected that she would be confined in a later week specified in the certificate (hereafter in this paragraph referred to as " the specified week "), the period for which the maternity allowance is payable shall, subject to the provisions of sub-paragraph (*b*) of this paragraph and of regulation 4, be the period beginning with the week in which the confinement occurs and ending with the sixth week after the specified week, or the period of thirteen weeks beginning with the week in which the confinement occurs, whichever period is the shorter.

(*b*) If it is shown to the satisfaction of the determining authority that, during any period commencing not earlier than the sixth week before the week in which the confinement occurs and terminating

(a) *See* s. 16 (1) (a), National Insurance Act, 1946.

with the confinement (hereafter in this sub-paragraph referred to as " the period of abstention from work "), the woman did not do any 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 had good cause either for not then making a claim for the payment of maternity allowance or for not furnishing a certificate of expected confinement, the period for which the maternity allowance is payable shall, notwithstanding the provisions of sub-paragraph (*a*) of this paragraph but subject to the provisions of regulation 4, commence with the first day of the period of abstention from work and terminate in a case to which this sub-paragraph and sub-paragraph (*a*) of this paragraph apply with the sixth week after the specified week, and in any other case with the sixth week after the week in which the confinement occurs, so, however, that in no case shall maternity allowance be paid for a period of more than thirteen weeks.

Disqualifications for attendance allowance and maternity allowance.

4.—(1) A woman shall be disqualified for receiving attendance 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 number of days (beginning not earlier than the first day on which she does such work) 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 number of days as may be decided by the determining authority.

(2) A woman shall be disqualified for receiving 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 number of days (beginning not earlier than the first day on which she does such work) as may be decided by the determining authority, subject to the qualification that, in respect of work done before the confinement, she shall not be so disqualified for the day on which the confinement occurs or any day thereafter;

(*b*) if, during the said period, she fails without good cause to observe either of the following rules of behaviour, namely:—

(i) 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; or

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

(ii) (in the case of a woman who is entitled to a maternity allowance on the basis of a certificate of expected confinement) to notify the date of the confinement to the Minister within twenty-one days after the confinement;

and such disqualification shall be for such number of days as may be decided by the determining authority;

(*c*) if she fails without good cause to attend for or to submit herself to medical examination in accordance with paragraph (2) of regulation 3 with a view to obtaining a further certificate when required so to do, and such disqualification shall be for such number of days (beginning not earlier than that 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.

Certificates given abroad.

5. For the purpose of paragraph (*c*) of subsection (1) of section 16 of the Act (which paragraph relates to the definition of a qualified practitioner), the expression " qualified practitioner " shall, in relation to certificates given in respect of women outside the United Kingdom, include a medical practitioner or a midwife having qualifications which, in the opinion of the Minister, correspond to the qualifications of a registered medical practitioner or a certified midwife respectively.

Fractions of a penny.

6. Where any sums payable by way of attendance allowance or maternity allowance would, apart from 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.

Given under the official seal of the National Insurance Joint Authority this 2nd day of June, nineteen hundred and forty-eight.

(L.S.)

C. D. Curtis,
Secretary,
National Insurance Joint Authority.

EXPLANATORY NOTE

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

These Regulations contain miscellaneous provisions relating to maternity grant, attendance allowance and maternity allowance and have been made under the powers contained in sections 14 (3) and (6), 15 and 16 of the National Insurance Act, 1946. They principally relate to the payment of maternity grant before confinement if desired (regulation 2); the submission, where necessary, to further medical examination for the purposes of maternity allowance (regulation 3 (2)); modifications of subsections (1) and (2) of section 15 of the before-mentioned Act in relation to maternity allowance where there has been no certificate of expected confinement, or the confinement has been premature (regulation 3 (4) and (5)); and disqualifications for the receipt of attendance allowance and maternity allowance (regulation 4). The remaining provisions are of a minor or consequential character.