



National Insurance Act 1965

1965 CHAPTER 51

PART II

BENEFIT.

Maternity benefit.

23 Maternity grant.

- (1) Subject to the provisions of this Act, a woman shall be entitled to a maternity grant of the amount specified in relation thereto in Schedule 4 to this Act if she has been confined and either—
 - (a) she or her husband satisfies the contribution conditions set out in paragraph 2(1) of Schedule 2 to this Act; or
 - (b) she satisfies either—
 - (i) the contribution conditions for a maternity allowance; or
 - (ii) any contribution conditions which she is required to satisfy in order to become entitled to a maternity allowance at a reduced rate by virtue of regulations under section 45 of this Act.
- (2) Except where regulations otherwise provide, a woman shall not be entitled to a maternity grant in respect of a confinement if on the date of the confinement she is outside Great Britain.
- (3) Regulations may provide that a woman confined of twins or a greater number of children shall, if the other conditions for the payment of a maternity grant are satisfied in respect of the confinement, be entitled to a maternity grant for each of them.
- (4) Regulations may provide that the provisions of this section shall apply to a woman, in a case where her claim indicates that she so desires, 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 the prescribed number of contribution weeks before that in which it is to be expected that she will be confined,

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and may modify the contribution conditions for a maternity grant in their application to such a case.

- (5) Subject to the provisions of subsection (3) of this section, a woman shall not be entitled to more than one maternity grant in respect of any one confinement.
- (6) For the purposes of this section the expression " husband " includes a widow's late husband where the benefit is claimed in respect of a posthumous son or daughter of his.

24 Maternity allowance.

- (1) Subject to the provisions of this Act, a woman shall be entitled to a maternity allowance at the weekly rate specified in relation thereto in column 2 of Schedule 3 to this Act if—
 - (a) she is pregnant and has reached a stage in her pregnancy which is not more than the prescribed number of weeks before the week in which it is to be expected that she will be confined (in this section referred to as the " expected week of confinement"); and
 - (b) she satisfies the contribution conditions set out in paragraph 3(1) of Schedule 2 to this Act.
- (2) Subject to the following provisions of this section, the period for which a maternity allowance is payable shall be the period of eighteen weeks beginning with the eleventh week before the expected week of confinement.
- (3) A woman who has become entitled to a maternity allowance shall cease to be entitled thereto if she dies before the beginning of the period mentioned in subsection (2) of this section; and if such a woman dies after the beginning but before the end of that period the allowance shall not be payable for any week subsequent to that in which she dies.
- (4) Regulations may provide that a woman who has become entitled to a maternity allowance shall cease to be entitled thereto if her pregnancy is terminated otherwise than by confinement.
- (5) Regulations may make provision, as respects cases where the date of the confinement occurs after the end of the expected week of confinement, for extending the period referred to in subsection (2) of this section until the end of such week (not being later than the sixth week after that in which the date of the confinement occurs) as may be prescribed by the regulations.
- (6) Regulations may modify subsections (1)(a) and (b), (2) and (3) of this section in relation to cases where a woman has been confined and either—
 - (a) she has not made a claim for a maternity allowance in respect of expectation of that confinement (other than any claim which has been disallowed); or
 - (b) she has 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,

and may modify the contribution conditions set out in paragraph 3(1) of Schedule 2 to this Act in their application to such cases by substituting references to the week comprising the date of the confinement for references to the expected week of confinement.

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- (7) Regulations may provide for disqualifying a woman for receiving a maternity allowance if—
- (a) during the period for which the allowance is payable she does any work as an employed or self-employed person or fails without good cause to observe any prescribed rules of behaviour ; or
 - (b) at any time before her confinement occurs she fails without good cause to attend for or to submit herself to any medical examination required in accordance with the regulations.
- (8) In this section the expression " week " means a contribution week.

25 Supplementary provisions as to maternity benefit, etc.

- (1) In this Part of this Act—
- (a) the expression " confinement" means labour resulting in the issue of a living child, or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead, and the expression " confined " shall be construed accordingly ;
 - (b) references to the date of the confinement shall be taken as referring, where labour begun on one day results in the issue of a child on another day, to the date of the issue of the child or, if the woman is confined of twins or a greater number of children, to the date of issue of the last of them.
- (2) The fact that the mother of an illegitimate child is entitled to maternity benefit shall not be taken into consideration—
- (a) by any justices in England and Wales in deciding whether or not they shall make an order under the Affiliation Proceedings Act 1957 for the payment of the expenses incidental to the birth of the child; or
 - (b) by any court in Scotland in awarding inlying expenses in connection with the birth of the child.