
STATUTORY INSTRUMENTS

1981 No. 1157

SOCIAL SECURITY

The Social Security (Maternity Grant) Regulations 1981

<i>Made</i>	- - - -	<i>4th August 1981</i>
<i>Laid before Parliament</i>		<i>12th August 1981</i>
<i>Coming into Operation</i>		<i>1st April 1982</i>

The Secretary of State for Social Services, in exercise of the powers conferred on him by sections 21(1), (3) and (5), 82(5)(a) and 131 of the Social Security Act 1975⁽¹⁾ and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Social Security (Maternity Grant) Regulations 1981 and shall come into operation on 1st April 1982.

Amendment of the Social Security (Maternity Benefit) Regulations 1975

2.—(1) The Social Security (Maternity Benefit) Regulations 1975⁽²⁾ shall be amended in accordance with the following provisions.

(2) Regulation 1(2) (definitions) shall be amended by inserting the following definitions:—

““child benefit” means benefit under Part I of the Child Benefit Act 1975⁽³⁾;

“qualifying period” has the meaning assigned to it in regulation 3B;

“serving member of the forces” has the same meaning as in regulation 1(2) of the Social Security (Contributions) Regulations 1979⁽⁴⁾ except that it does not include:—

- (a) a member of any territorial or reserve force mentioned in Part I of Schedule 3 to those regulations who is not undergoing training or instruction as such a member for a continuous period exceeding 72 consecutive hours, or
- (b) a member of the Ulster Defence Regiment who is neither serving also as a member of any of the regular naval, military or air forces of the Crown, nor on the full-time permanent

(1) section 21(1) and (5) were amended by section 5(1) of the Social Security Act 1980 (c.30).

(2) , amended by S.I. 1977/1509.

(3) 1975 c.61.

(4) S.I. 1979/591, amended by S.I. 1980/1975.

staff of that regiment, nor serving or undergoing training in that regiment for a continuous period exceeding 72 consecutive hours;”.

(3) After paragraph (2) of regulation 1 the following paragraph shall be inserted:—

“(2A) For the purposes of regulations 3, 3A and 3B if, at the beginning of any day, a woman is either present in or absent from Great Britain, that state of affairs shall be treated as continuing throughout that day.”

(4) In regulation 3 (maternity grant in expectation of confinement) for the word “then-” and paragraphs (a) and (b) there shall be substituted:—

“then that section shall so apply to her in relation to that claim and

(a) where the expected week of confinement ends on or before 3rd July 1982, the contribution conditions for a maternity grant as set out in paragraph 2 of Schedule 3 shall apply in her case as if, for sub-paragraph (4)(a) of that paragraph, there were substituted the following:

—
“(a) ‘the relevant time’ is the beginning of the 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 when the claim was made, the date of his attaining pensionable age or dying under that age;”;

(b) where the expected week of confinement begins on or after 4th July 1982 the prescribed conditions as to presence in Great Britain shall be that:

(i) she must have been present in Great Britain for a period of, or periods amounting in aggregate to, more than 182 days in the 52 weeks immediately preceding the expected week of confinement, and

(ii) she must be present in Great Britain on the date of her claim;

(c) any qualifying period or periods may be included as part of the total of more than 182 days referred to in paragraph (b)(i);

(d) paragraph (b)(ii) shall not apply to a woman who, at the date of claim, is a serving member of the forces or who is the wife of a serving member of the forces and is residing with him.”.

(5) After regulation 3 there shall be inserted the following regulations:—

“Maternity grant after confinement

3A.—(1) The prescribed condition as to presence in Great Britain to be satisfied by a woman for the purposes of section 21(1), where a claim for maternity grant is made after confinement and the date of confinement is on or after 4th July 1982, shall be that she must have been present in Great Britain for a period of, or periods amounting in aggregate to, more than 182 days in the 52 weeks immediately preceding the date of confinement.

(2) Any qualifying period or periods may be included as part of the total of more than 182 days referred to in paragraph (1).

Temporary absences from Great Britain

3B. A qualifying period shall mean any day or days during which a woman is temporarily absent from Great Britain during the 52 weeks referred to in regulations 3(b)(i) and 3A(1) where

(a) that day or those days form part of any week or weeks for which she is entitled to child benefit; or

- (b) her absence is due to her own employment or, where she is residing with him, her husband's employment and either Class 1 contributions are payable in respect of that employment, or the employment for the first 52 weeks of absence was treated as employed earner's employment by virtue of regulation 120 of the Social Security (Contributions) Regulations 1979; or
 - (c) her absence is due to her own employment or, where she is residing with him, her husband's employment and Class 1 contributions would have been payable in respect of that employment or in respect of the first 52 weeks of that employment by virtue of the said regulation 120 but for the provisions of either an Order in Council made under section 143 or Council Regulation No. 1408/71/EEC⁽⁵⁾; or
 - (d) her absence is due to her own employment or, where she is residing with him, her husband's employment, and a Class 2 or Class 3 contribution is paid for the week or weeks of which that day or those days form part; or
 - (e) her absence is due to her service as a serving member of the forces or, where she is the wife of a serving member of the forces and is residing with him, her absence is due to her husband's service.”
- (6) Regulation 5(3) shall be amended by deleting the letter “(a)” in the first reference to “paragraph (2)(a)”.
- (7) In regulation 11 (special provision for certain persons who have been employed abroad)—
- (a) in paragraph (1)
 - (i) for the words “maternity benefit” there shall be substituted the words “maternity grant and maternity allowance” and
 - (ii) for the words “where a person” there shall be substituted the words “where the date of confinement is on or before 3 July 1982 or, in respect of claims in expectation of confinement, the expected week of confinement ends on or before 3 July 1982 and a person”;
 - (b) after paragraph (1) the following paragraph shall be inserted:—

“(1A) Where the date of confinement is on or after 4 July 1982 or, in respect of claims in expectation of confinement, the expected week of confinement begins on or after 4 July 1982, this regulation shall apply for the purposes of maternity allowance only.”
 - (c) in paragraph (2)(a) for the words “regulation 114 of the Social Security (Contributions) Regulations 1975” there shall be substituted the words “regulation 120 of the Social Security (Contributions) Regulations 1979”;
 - (d) the reference to “regulation 114” in paragraphs (3)(a) and (c) and 4(a) and (b) shall be amended to refer to “regulation 120”.
- (8) Regulation 13 (which is spent) is revoked.

Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975

3.—(1) The Social Security Benefit (Persons Abroad) Regulations 1975⁽⁶⁾ shall be amended in accordance with the following provisions.

(2) In regulation 1(2) (definitions) the year “1979” shall be substituted for “1975” in the definition of “the Contributions Regulations”.

(3) In regulation 3 (modifications of the Act relating to maternity grant):—

⁽⁵⁾ OJ No. L149, 5.7.71, p.2 (O.J.S.E.1971 (11) p.416)

⁽⁶⁾ , to which there are amendments not relevant to these Regulations.

- (a) in paragraph (1) for the words “Subject to the provisions” to “if either” there shall be substituted:

“Subject to paragraphs (2) and (3) of this regulation, where a woman is confined outside Great Britain and the date of confinement is on or before the 3rd July 1982 she shall not be disentitled to maternity grant by reason of the fact that on the date of confinement she is outside Great Britain, if either—”

- (b) in paragraph (1)(b) the words “of the Contributions Regulations” shall be substituted for “of the Social Security (Contributions) Regulations 1975” and “Schedule 3” shall be substituted for “Schedule 5”.

- (c) after paragraph (3) the following paragraphs shall be added:—

“(4) Subject to paragraphs (5) and (6) of this regulation, where a woman is confined outside Great Britain and the date of confinement is on or after 4th July 1982, she shall not be disentitled to maternity grant by reason of the fact that on the date of confinement she is outside Great Britain, if—

- (a) she is entitled to child benefit for the week which begins with the first Monday following the date of confinement; or
- (b) her absence from Great Britain is for a temporary purpose and was not when it began intended to last for more than 4 weeks; or
- (c) in respect of the last complete tax year ending more than 3 months before the date of confinement, either she or her husband has an earnings factor derived from contributions either paid or credited which is not less than that year's lower earnings limit multiplied by 50; or
- (d) on the date of her confinement her husband is a serving member of the forces as defined in paragraph (1)(b) of this regulation

and any such woman shall, in addition, not be disqualified for receiving a maternity grant by reason of her being absent from Great Britain.

(5) The provisions of paragraph (4)(c) of this regulation shall not apply in cases where a woman's entitlement to maternity grant is dependent upon her husband's earnings factor, unless she is residing with him on the date of confinement, or, if he is dead, unless she was residing with him at the time of his death.

(6) The provisions of paragraph (4)(a), (b) and (c) of this regulation shall not apply to maternity grant in expectation of confinement.”.

- (4) In regulation 7(1)(g) the words “of regulation 72” and “of regulation 76” shall be omitted.

4th August 1981

Patrick Jenkin
Secretary of State for Social Services

EXPLANATORY NOTE

These regulations make provision consequent upon the replacement of contributory maternity grant by non-contributory maternity grant by virtue of section 5 of the Social Security Act 1980 which amended the Social Security Act 1975, in respect of confinements on or after 4th July 1982.

Regulation 2 amends the Social Security (Maternity Benefit) Regulations 1975 and prescribes the periods for which a woman must be present in Great Britain to establish entitlement to non-contributory maternity grant. It also provides that certain period during which a woman is temporarily absent from Great Britain may be included as part of parts of the total period for which presence in Great Britain is required.

Regulation 3 amends the Social Security Benefit (Persons Abroad) Regulations 1975 and specifies that a woman shall not be disentitled to Maternity Grant by reason only that she was confined outside Great Britain if she can satisfy one of the conditions specified. It also provides that in such cases a woman shall not be disqualified from receiving payment of the benefit while absent from Great Britain.

The report of the Social Security Advisory Committee dated 18th May 1981 relevant to these regulations is contained in Command Paper (Cmnd. 8336) published by Her Majesty's Stationery Office.