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## STATUTORY INSTRUMENTS

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# 1986 No. 1960

## The Statutory Maternity Pay (General) Regulations 1986

### PART V

#### ADMINISTRATION

##### **Evidence of expected week of confinement or of confinement**

**22.**—(1) A woman shall in accordance with the following provisions of this regulation, provide the person who is liable to pay her statutory maternity pay with evidence as to—

- (a) the week in which the expected date of confinement occurs, and
- (b) where her entitlement to statutory maternity pay depends upon the fact of her confinement, the week in which she was confined.

(2) For the purpose of paragraph (1)(b) a certificate of birth shall be sufficient evidence that the woman was confined in the week in which the birth occurred.

(3) The evidence shall be submitted to the person who will be liable to make payments of statutory maternity pay not later than the end of the third week of the maternity pay period so however that where the woman has good cause the evidence may be submitted later than that date but not later than the end of the 13th week of the maternity pay period.

(4) For the purposes of paragraph (3) evidence contained in an envelope which is properly addressed and sent by prepaid post shall be deemed to have been submitted on the day on which it was posted.

##### **Notice of absence from work**

**23.**—(1) Where a woman is confined before the beginning of the 14th week before the expected week of confinement, she shall be entitled to payments of statutory maternity pay only if—

- (a) she gives notice to the person who will be liable to pay it that her absence from work with him is wholly because of her confinement, and
- (b) that notice is given within 21 days of the date she was confined or if in the particular circumstances that is not practicable, as soon as is reasonably practicable thereafter; and
- (c) where the person so requests, the notice is in writing.

(2) Where a woman is confined before the date stated in a notice provided in accordance with section 46(4) of the 1986 Act as being the date her absence from work is due to begin, she shall be entitled to payments of statutory maternity pay only if—

- (a) she gives a further notice to the person who will be liable to pay it specifying the date she was confined and the date her absence from work wholly or partly because of pregnancy or confinement began, and
- (b) that further notice is given within 21 days of the date she was confined or if in the particular circumstances that is not practicable, as soon as is reasonably practicable thereafter; and
- (c) where the person so requests, the notice is in writing.

(3) For the purposes of this regulation, a notice contained in an envelope which is properly addressed and sent by prepaid post shall be deemed to be given on the date on which it is posted.

(4) Subject to paragraph (5), section 46(4) of the 1986 Act shall not apply to a woman who either—

- (a) leaves, for a reason wholly unconnected with her pregnancy, her employment with the person who will be liable to pay her statutory maternity pay, after the beginning of the 15th week before the expected week of confinement; or
- (b) is dismissed, but not unfairly dismissed under section 60 of the 1978 Act, from her employment by the person who will be liable to pay statutory maternity pay and has not at the time of her dismissal given him notice that she is going to be absent from work with him because of her pregnancy or confinement.

(5) A woman who is exempted from section 46(4) of the 1986 Act by paragraph (4) but who is confined before the 11th week before the expected week of confinement shall be entitled to payments of statutory maternity pay only if she gives the person who will be liable to pay it notice specifying the date she was confined.

#### **Notification of employment after confinement**

**24.** A woman who after the date of confinement but within the maternity pay period commences work in employed earner's employment with a person who is not liable to make payments of statutory maternity pay to her and is not a non-liaible employer for the purposes of regulation 8(1), shall within 7 days of the day she commenced work inform any person who is so liable of the date she commenced work.

#### **Provision of information in connection with determination of questions**

**25.** Any woman claiming to be entitled to statutory maternity pay, or any other person who is a party to proceedings arising under the 1986 Act relating to statutory maternity pay, shall, if she receives notification from the Secretary of State that any information is required from her for the determination of any question arising in connection therewith, furnish that information to the Secretary of State within 10 days of receiving that notification.

#### **Records to be maintained by employers**

**26.—(1)** Every employer shall maintain for 3 years after the end of the tax year in which the maternity pay period ends a record in relation to any woman who is or was an employee of his of—

- (a) the date of the first day of absence from work wholly or partly because of pregnancy or confinement as notified by her and, if different, the date of the first day when such absence commenced;
- (b) the weeks in that tax year in which statutory maternity pay was paid and the amount paid in each week; and
- (c) any week in that tax year which was within her maternity pay period but for which no payment of statutory maternity pay was made to her and the reasons no payment was made.

(2) Except where he was not liable to make a payment of statutory maternity pay and subject to paragraphs (3) and (4), every employer shall retain for 3 years after the end of the tax year in which the maternity pay period ends any medical certificate or other evidence relating to the expected week of confinement, or as the case may be, the confinement which was provided to him by a woman who is or was an employee of his.

(3) Where an employer returns a medical certificate to an employee of his for the purpose of enabling her to make a claim for benefit under the 1975 Act, it shall be sufficient for the purposes of paragraph (2) if he retains a copy of that certificate.

(4) An employer shall not retain any certificate of birth provided to him as evidence of confinement by a woman who is or was an employee of his, but shall retain a record of the date of birth.