

STATUTORY INSTRUMENTS

**1987 No. 235**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Statutory Maternity Pay  
(Medical Evidence) Regulations 1987**

<i>Made</i>	- - - -	<i>19th February 1987</i>
<i>Laid before Parliament</i>		<i>20th February 1987</i>
<i>Coming into force</i>	- -	<i>15th March 1987</i>

The Secretary of State for Social Services, in exercise of the powers conferred by sections 49 and 84(1) of and paragraph 6 of Schedule 4 to the Social Security Act 1986<sup>M1</sup>, and of all other powers enabling him in that behalf, by this instrument, which is made before the end of the period of 12 months from the commencement of the enactments contained in the 1986 Act under which it is made, makes the following regulations:—

**Marginal Citations**

**M1** 1986 c. 50; section 84(1) is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

**Citation, commencement and interpretation**

1.—(1) These regulations may be cited as the Statutory Maternity Pay (Medical Evidence) Regulations 1987 and shall come into force on 15th March 1987.

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

“the Act” means the Social Security Act 1986;

[<sup>F1</sup>“registered midwife” means a midwife who is registered with the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001;]

“doctor” means a registered medical practitioner;

<sup>F2</sup> ...

“signature” means, in relation to any statement or certificate given in accordance with these regulations, the name by which the person giving that statement or certificate, as the case may be, is usually known (any name other than the surname being either in full or otherwise indicated) written by that person in his own handwriting; and “signed” shall be construed accordingly.

- F1** Words in reg. 1 substituted (17.4.2002) by [The Nursing and Midwifery Order 2001 \(Consequential Amendments\) Order 2002 \(S.I. 2002/881\)](#), art. 1, **Sch. para. 2**
- F2** Words in reg. 1(2) omitted (1.4.2013) by virtue of [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 9(2)**

### **Evidence of pregnancy and confinement**

2. The evidence as to pregnancy and the expected date of confinement which a woman is required to provide to a person who is liable to pay her statutory maternity pay shall be furnished in the form of a maternity certificate given by a doctor or by a registered midwife, not earlier than the beginning of the [<sup>F3</sup>20th week] before the expected week of confinement, in accordance with the rules set out in Part I of the Schedule to these regulations—

- (a) in the appropriate form as set out in Part II of that Schedule, or
- (b) in a form substantially to the like effect with such variations as the circumstances may require.

- F3** Words in reg. 2 inserted (28.9.2001) by [The Social Security \(Medical Evidence\) and Statutory Maternity Pay \(Medical Evidence\) \(Amendment\) Regulations 2001 \(S.I. 2001/2931\)](#), regs. 1, **3(2)**

Signed by authority of the Secretary of State for Social Services.

Department of Health and Social Security

*Nicholas Lyell*  
Parliamentary Under-Secretary of State,

## SCHEDULE

Regulation 2

### PART I

#### rules

1. In these rules any reference to a woman is a reference to the woman in respect of whom a maternity certificate is given in accordance with these rules.

2. A maternity certificate shall be given by a doctor or registered midwife attending the woman and shall not be given by the woman herself.

3. The maternity certificate shall be on a form provided by the Secretary of State for the purpose and the wording shall be that set out in the appropriate part of the form specified in Part II of this Schedule.

4. Every maternity certificate shall be completed in ink or other indelible substance and shall contain the following particulars—

- (a) the woman's name;
- (b) the week in which the woman is expected to be confined or, if the maternity certificate is given after confinement, the date of that confinement and the date the confinement was expected to take place <sup>F4</sup> ...;
- (c) the date of the examination on which the maternity certificate is based;
- (d) the date on which the maternity certificate is signed; and
- [<sup>F5</sup>(e) the address of the doctor or where the maternity certificate is signed by a registered midwife the personal identification number given to her on her registration in <sup>F6</sup>... the register maintained by the Nursing and Midwifery Council [<sup>F7</sup>NMC”) under article 5 of] the Nursing and Midwifery Order 2001 and the expiry date of that registration,]

and shall bear opposite the word “Signature”, the signature of the person giving the maternity certificate written after there has been entered on the maternity certificate the woman's name and the expected date or, as the case may be, the date of the confinement.

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| <b>F4</b> | Words in Sch. para. 4(b) omitted (1.11.1991) by virtue of <a href="#">The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284)</a> , regs. 1, <b>23(a)</b>                        |
| <b>F5</b> | Sch. para. 4(e) substituted (17.4.2002) by <a href="#">The Nursing and Midwifery Order 2001 (Consequential Amendments) Order 2002 (S.I. 2002/881)</a> , art. 1, <b>Sch. para. 3</b>                                 |
| <b>F6</b> | Words in Sch. para. 4(e) omitted (1.8.2004) by virtue of <a href="#">The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004 (S.I. 2004/1771)</a> , art. 1(1), <b>Sch. para. 51(a)(i)</b> |
| <b>F7</b> | Words in Sch. para. 4(e) substituted (1.8.2004) by <a href="#">The Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004 (S.I. 2004/1771)</a> , art. 1(1), <b>Sch. para. 51(a)(ii)</b>      |

5. After a maternity certificate has been given, no further maternity certificate based on the same examination shall be furnished other than a maternity certificate by way of replacement of an original which has been lost or mislaid, in which case it shall be clearly marked “duplicate”.

**Changes to legislation:** There are currently no known outstanding effects for the The Statutory Maternity Pay (Medical Evidence) Regulations 1987. (See end of Document for details)

[<sup>F8</sup>PART II  
FORM OF CERTIFICATE

**F8** Sch. Pt. II substituted (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, 24

MATERNITY CERTIFICATE

Please fill in this form in ink

Name of patient

*Fill in this part if you are giving the certificate before the confinement.*

*Fill in this part if you are giving the certificate after the confinement.*

Do not fill this in more [<sup>F9</sup>than 20 weeks] before the week the baby is expected.

I certify that I attended you in connection with the birth which took place on ...../...../.....when you were delivered of a child [ ] children.

I certify that I examined you on the date given below. In my opinion you can expect to have your baby in the week that includes ...../...../.....

In my opinion your baby was expected in the week that includes ...../...../.....

Week means a period of 7 days starting on a Sunday and ending on a Saturday.

Date of examination ...../...../.....

Registered midwives

Date of signing ...../...../.....

Please give your [<sup>F10</sup>NMC] Personal identification Number and the expiry date of your registration with the [<sup>F10</sup>NMC] .

\_\_\_\_\_  
\_\_\_\_\_

Signature:

\_\_\_\_\_  
Doctors

Please stamp your name and address here [<sup>F11</sup>(unless the form has been stamped, in Wales, by the Local Health Board in whose medical performers list you are included or, in Scotland,)] [<sup>F12</sup>by the Health Board in whose primary medical services performers list you are included)].

**Changes to legislation:** There are currently no known outstanding effects for the The Statutory Maternity Pay (Medical Evidence) Regulations 1987. (See end of Document for details)

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#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These regulations prescribe the form in which evidence of her pregnancy or her expected date of confinement is to be provided by a woman to a person who is liable to pay her statutory maternity pay.

The provisions of the Social Security Act 1986 under which these regulations were made have not yet been in force for 12 months. The regulations are therefore exempt by section 61(5) of the Act of 1986 from reference to the Social Security Advisory Committee and have not been so referred.

**Changes to legislation:**

There are currently no known outstanding effects for the The Statutory Maternity Pay (Medical Evidence) Regulations 1987.