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## STATUTORY INSTRUMENTS

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# 1987 No. 416

## The Social Security (Maternity Allowance) Regulations 1987

### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Maternity Allowance) Regulations 1987 and shall come into force on 6th April 1987.

(2) In these Regulations —

“the Act” means the Social Security Act 1975;

“the 1986 Act” means the Social Security Act 1986.

[<sup>F1</sup>“the 1992 Act” means the Social Security Contributions and Benefits Act 1992.]

(3) Unless the context otherwise requires, any reference in any of these regulations —

(a) to a numbered paragraph is a reference to the paragraph bearing that number in that regulation; and

(b) in these Regulations to a Schedule is to the Schedule to these Regulations.

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#### Textual Amendments

**F1** Words in [reg. 1\(2\)](#) added (18.5.2014) by [The Social Security \(Maternity Allowance\) \(Miscellaneous Amendments\) Regulations 2014 \(S.I. 2014/884\)](#), regs. 1, **2(2)**

### [<sup>F2</sup>Disapplication of section 1(1A) of the Administration Act

[<sup>F3</sup>1A. Section 1(1A) of the Social Security Administration Act 1992 (requirement to state a national insurance number) shall not apply to an adult dependant who—

(a) is a person in respect of whom a claim for an increase of maternity allowance is made;

(b) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and

(c) has not previously been allocated a national insurance number.]]

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#### Textual Amendments

**F2** Reg. 1A inserted (1.12.1997) by [The Social Security \(National Insurance Number Information: Exemption\) Regulations 1997 \(S.I. 1997/2676\)](#), regs. 1(1), **13**

**F3** Reg. 1A substituted (6.4.2009) by [Social Security \(National Insurance Number Information: Exemption\) Regulations 2009 \(S.I. 2009/471\)](#), regs. 1, **4**

### Disqualification for the receipt of a maternity allowance

[<sup>F4</sup>2.—(1) A woman shall be disqualified for receiving a maternity allowance under section 35 of the 1992 Act if during the maternity allowance period she does any work in employment as an

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employed or self-employed earner, for more than 10 days, whether consecutive or not, falling within that period.

(2) The disqualification referred to in paragraph (1) shall be for such part of the maternity allowance period as may, in the opinion of the Secretary of State, be reasonable in the circumstances, provided that the disqualification shall, in any event, be for at least the number of days on which she so worked in excess of 10 days.

(3) A woman shall be disqualified for receiving a maternity allowance under section 35B of the 1992 Act if during the maternity allowance period—

- (a) she works with S (as defined in subsection (1)(b) of that section); or
- (b) she does any work in employment as an employed or self-employed earner.

(4) The disqualification referred to in paragraph (3) shall be for such part of the maternity allowance period as may, in the opinion of the Secretary of State, be reasonable in the circumstances and in any event shall be for at least the number of days she so worked.

<sup>F5</sup>(5) .....

<sup>F5</sup>(6) .....

(7) A woman shall be disqualified for receiving maternity allowance under section 35 or 35B of the 1992 Act if at any time before she is confined she fails without good cause to attend for or to submit herself to any medical examination for which she was given at least 3 days notice in writing by or on behalf of the Secretary of State.

(8) The disqualification referred to in paragraph (7) shall be for such part of the maternity allowance period (being a part beginning not earlier than the day on which the failure occurs) as may, in the opinion of the Secretary of State, be reasonable in the circumstances, except that in the event of her being confined after such failure the woman shall not by reason of such failure be so disqualified for the day on which the confinement occurs or any day thereafter.]

**Textual Amendments**

**F4** Reg. 2 substituted (18.5.2014) by [The Social Security \(Maternity Allowance\) \(Miscellaneous Amendments\) Regulations 2014 \(S.I. 2014/884\)](#), regs. 1, **2(3)**

**F5** Reg. 2(5)(6) omitted (23.2.2015) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/67\)](#), regs. 1, **3**

**Modification of the maternity allowance period**

3.—(1) [<sup>F6</sup>Section 35(2) of the Social Security Contributions and Benefits Act 1992] (which relates to the maternity allowance period) shall be modified in accordance with [<sup>F7</sup>paragraph (2A)].

<sup>F8</sup>(2) .....

[<sup>F9</sup>(2A) In relation to a woman who—

- (a) is not entitled to maternity allowance at the 11th week before the expected week of confinement; and
- (b) subsequently becomes entitled to maternity allowance before being confined; and
- (c) has stopped work

the maternity allowance period shall be a period of [<sup>F10</sup>39 weeks commencing no earlier than the day she becomes entitled to maternity allowance and no later than the day following the day on which she is confined]].

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[<sup>F11</sup>(2B) The provisions of section 35B of the 1992 Act which relate to the maternity allowance period shall, in relation to a woman who—

- (a) is not entitled to maternity allowance at the 11th week before the expected week of confinement;
- (b) subsequently becomes entitled to maternity allowance before being confined; and
- (c) has ceased to work with S,

be modified in accordance with paragraph (2C).

(2C) The maternity allowance period shall be a period of 14 weeks commencing—

- (a) on the day after she ceases work, or, if later, the day she becomes entitled to maternity allowance; and
- (b) no later than the day following the day on which she is confined.]

- <sup>F12</sup>(3) .....
- <sup>F12</sup>(4) .....
- <sup>F12</sup>(5) .....
- <sup>F12</sup>(6) .....

**Textual Amendments**

- F6** Words in reg. 3(1) substituted (24.11.2002 with effect in accordance with reg. 1(2)) by [Social Security, Statutory Maternity Pay and Statutory Sick Pay \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2690\)](#) , regs. 1(1)(a) , **15(2)**
- F7** Words in reg. 3(1) substituted (18.5.2014) by [The Social Security \(Maternity Allowance\) \(Miscellaneous Amendments\) Regulations 2014 \(S.I. 2014/884\)](#), regs. 1, **2(4)(a)**
- F8** Reg. 3(2) omitted (24.11.2002 with effect in accordance with reg. 1(2)) by virtue of [Social Security, Statutory Maternity Pay and Statutory Sick Pay \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2690\)](#) , regs. 1(1)(a) , **15(3)**
- F9** Reg. 3(2A) inserted (11.6.1994 with effect in accordance with reg. 1(3)) by [The Social Security Maternity Benefits and Statutory Sick Pay \(Amendment\) Regulations 1994 \(S.I. 1994/1367\)](#) , regs. 1(2) , **7(2)**
- F10** Words in reg. 3(2A) substituted (1.10.2006) by [Statutory Maternity Pay, Social Security \(Maternity Allowance\) and Social Security \(Overlapping Benefits\) \(Amendment\) Regulations 2006 \(S.I. 2006/2379\)](#) , regs. 1(2) , **4(3)** (with reg. 1(2) )
- F11** Reg. 3(2B) - Reg. 3(2C) added (18.5.2014) by [The Social Security \(Maternity Allowance\) \(Miscellaneous Amendments\) Regulations 2014 \(S.I. 2014/884\)](#), regs. 1, **2(4)(b)**
- F12** Reg. 3(3)-(6) omitted (7.4.1997) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 1997 \(S.I. 1997/793\)](#) , regs. 1(1)(b) , **18**

**Revocations and consequential amendments**

4.—(1) Subject to paragraph (2) —

- (a) the Regulations specified in column (1) of Part I of the Schedule to these Regulations are revoked to the extent mentioned in column (2) to the Schedule; and
- (b) the Regulations specified in column (1) of Part II of the Schedule to these Regulations are amended to the extent specified in column (2) to the Schedule.

(2) The Regulations revoked in paragraph (1)(a) and those amended in paragraph (1)(b) shall nevertheless continue in force in their existing form in relation to a woman whose entitlement to

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a maternity allowance after 5th April 1987 arises otherwise than under section 22 of the Act as substituted by section 49(2) of and Part II of Schedule 4 to the 1986 Act.

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

Department of Health and Social Security

*John Major*  
Minister of State,

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- [reg.3\(4\)\(c\) head \(ii\) substituted by S.I. 1994/1882 reg.9](#)