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STATUTORY INSTRUMENTS

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**1987 No. 406**

**The Maternity Pay and Maternity Allowance (Transitional) Regulations 1987**

**Savings in respect of maternity pay and maternity allowance**

2.—(1) In the case of a woman whose expected date of confinement—

- (a) is before 21st June 1987, or
- (b) is after 20th June 1987 but who is in fact confined before 6th April 1987,

Part V of and Schedule 4 to the 1986 Act shall not apply to her, but, in relation to that confinement—

- (i) the provisions of the 1978 Act relating to maternity pay shall continue in force as if section 49(3) of and paragraph 15 of Part III of Schedule 4 to the 1986 Act had not been enacted and notwithstanding the repeal of those provisions by section 86(2) of and Schedule 11 to the 1986 Act;
- (ii) sections 22 and 23 of and paragraph 3 of Part I of Schedule 3 to the 1975 Act shall continue in force as if section 49(2) of and Part II of Schedule 4 to the 1986 Act had not been enacted;
- (iii) the provisions amended by section 86(1) of and paragraphs 72 and 77 of Schedule 10 to the 1986 Act shall continue in force as if those paragraphs had not been enacted; and
- (iv) the words “or a maternity allowance” in paragraph 8(3) of Part II of Schedule 3 to the 1975 Act shall continue in force.

(2) In the case of a woman to whom paragraph (1)(b) applies, the week in which she is confined shall be treated for the purposes of the provisions of the 1978 Act relating to maternity pay as the expected week of confinement.

(3) Notwithstanding their repeal by section 86(2) of and Schedule 11 to the 1986 Act and without prejudice to the generality of paragraph (1), the provisions of

- (a) the 1975 Act;
- (b) section 40 of the Employment Protection Act 1975(1);
- (c) the 1978 Act; and
- (d) section 18 of the Social Security (Miscellaneous Provisions) Act 1977(2),

in so far as they relate to the Maternity Pay Fund, shall continue in force until such time as the Fund ceases to exist in accordance with section 49(3) of and paragraph 17 of Part III of Schedule 4 to the 1986 Act.

(4) Notwithstanding the repeal of any enactment relating to maternity pay or the Maternity Pay Fund by the 1986 Act and without prejudice to the generality of the preceding paragraphs, the Employment Appeal Tribunal and the industrial tribunals may continue to exercise jurisdiction

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(1) 1975 c. 71.  
(2) 1977 c. 5.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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conferred upon them by the 1978 Act with respect to matters arising out of or in connection with any of those enactments, including any such enactment continued in force by these Regulations.

(5) Where in accordance with this Regulation any provision of the 1978 Act relating to maternity pay or the Maternity Pay Fund is continued in force after 5th April 1987, paragraphs 73 to 75 of Schedule 10 to the 1986 Act, and section 86(1) in so far as it relates to them, shall, for the purposes for which and for so long as that provision is continued in force, be treated as not having been enacted.

(6) This Regulation in so far as it relates to meternity pay and the Maternity Pay Fund shall have effect in relation to Crown employees and relevant members of the House of Commons staff as it has effect in relation to other employees and for this purpose Crown employment and relevant House of Commons staff have the same meanings as in respectively sections 138 and 139 of the 1978 Act.