

GUERNSEY STATUTORY INSTRUMENT

1971 - No. 29

The Social Insurance (Maternity Benefit)  
(Guernsey) Regulations, 1971.

Made 7th June, 1971

Coming into Operation 7th June, 1971

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THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by sections eleven, fifteen A, fifteen B and twenty-three of the Social Insurance (Guernsey) Law, 1964, as amended, and of all other powers enabling it in that behalf, hereby orders -

PART I

Interpretation

Interpretation

1.(1) In these regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"the determining authority" means, as the case may require, the Administrator or the tribunal;

"the Law" means the Social Insurance (Guernsey) Law, 1964;

"week" means a contribution week;

and other expressions have the same meanings as in the Law.

(2) Except where the context otherwise requires, any reference in these regulations to any enactment or regulations shall be construed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of these regulations as it applies to the interpretation of a Guernsey enactment.

PART II

Provisions relating to Maternity Grants

Maternity grants in respect of multiple births

2. A woman who is confined of twins or a greater number of children on or after the date of the coming into operation of these regulations shall, if the other conditions for the payment of a maternity grant are satisfied in respect of the confinement, be entitled in respect thereof to a maternity grant for each of them who is living at the expiration of twelve hours after the time of his birth; but it shall be a condition for such entitlement that, before the expiration of the prescribed time for making a claim for a maternity grant, she makes a claim therefor and furnishes, by such means as the determining authority shall accept as sufficient, evidence as to -

- (a) the number of children of whom she was confined; and
- (b) of such children, the number surviving birth by at least twelve hours.

Maternity grant in respect of expectation of confinement

3. In a case where a woman makes a claim for a maternity grant on or after the date of the coming into operation of these regulations and indicates therein that she desires that the provisions of section fifteen A of the Law (which confers title to a maternity grant) shall apply to her with the substitution, for the condition that she has been confined, of the condition that she is pregnant and has reached a stage in her pregnancy which is not more than nine weeks before that in which it is to be expected that she will be confined:-

- (a) that section shall so apply to her in relation to that claim; and
- (b) in their application to such a case, the contribution conditions for a maternity grant as set out in paragraph 2 of the Third Schedule to the Law shall apply as if, for the definition of the expression "the relevant time" in sub-paragraph (3) of that paragraph, there were substituted the following definition:-
  - "(b) the expression 'the relevant time' means the contribution 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 on the date of the making of the claim, the date of his attaining pensionable age or dying under that age."

### PART III

#### Provisions relating to Maternity Allowances

##### Conditions attaching to a maternity allowance in respect of expectation of confinement

4.(1) For the purposes of paragraph (a) of subsection (1) of section fifteen B of the Law (which paragraph specifies, as a condition of a woman's entitlement to a maternity allowance, the condition that she shall have reached a stage in her pregnancy which is not more than the prescribed number of weeks before the expected week of confinement) the prescribed number of weeks shall be fourteen.

(2) A woman who has become entitled to a maternity allowance in respect of expectation of her confinement shall cease to be entitled thereto if, before the beginning of the eleventh week before the expected week of confinement, her pregnancy is terminated otherwise than by confinement.

(3) A woman who has made a claim for a maternity allowance in respect of expectation of her confinement, unless the confinement has already occurred, shall, on receipt of not less than three clear days notice in writing given by or on behalf of the Authority, submit herself to medical examination at such time and place as may be specified in the notice.

##### Duration of a maternity allowance in respect of expectation of confinement

5.(1) In relation to a case where a woman has been confined after having made a claim for a maternity allowance in respect of expectation of that confinement (other than a claim which has been disallowed) but the date of the confinement was more than eleven weeks before the expected week of confinement, subsection (2) of section fifteen B of the Law (which specifies the period for which a maternity allowance is payable) shall have effect as if, for the period mentioned therein, there were substituted the period of eighteen weeks beginning with the week comprising the date of the confinement.

(2) Where a woman has become entitled to a maternity allowance in respect of expectation of her confinement and the date of the confinement has not occurred before the end of the expected week of confinement, the period referred to in the said subsection (2) (hereafter in this paragraph referred to as "the allowance period") shall -

- (a) if the said date has not occurred before the end of the allowance period, be extended for a period of six weeks and thereafter, if and so long as the said date has not occurred, be further extended for a like period at intervals of six weeks; and
- (b) if the said date has occurred before the end of the allowance period, or before the end of that period as extended or further extended in accordance with the preceding sub-paragraph, be extended or further extended until the end of the sixth week after the week comprising that date:

Provided that no extension or further extension shall be made in accordance with this paragraph unless the beneficiary gives to the Authority written notice, in such form as is approved by it for the purpose, that it is still to be expected that she will be confined or (as the case may be) that she has been confined and the notice is so given before the expiration of six weeks, or such longer period not exceeding three months as the determining authority may for good cause allow, calculated -

- (i) in a case falling within sub-paragraph (a), from the end of the allowance period or that period as extended or further extended; or
- (ii) in a case falling within sub-paragraph (b), from the end of the week in which the date of the confinement occurred,

and the beneficiary thereafter furnishes, by such means as the determining authority shall accept as sufficient, evidence in confirmation of her notice.

Conditions for, and duration of, a maternity allowance by virtue of the fact of confinement.

6.(1) In relation to a case where a woman has been confined without having previously made a claim for a maternity allowance in respect of expectation of the confinement (other than any claim which has been disallowed)-

- (a) subsection (1) of section fifteen B of the Law shall have effect as if, for the condition for entitlement to a maternity allowance contained in paragraph (a) of that subsection, there were substituted the condition that the woman has been confined;
- (b) subsection (2) of that section shall have effect (subject to the following provisions of this regulation) as if, for the period mentioned therein, there were substituted the period of seven weeks beginning with the week comprising the date of the confinement; and
- (c) the contribution conditions set out in paragraph 3 of the Third Schedule to the Law shall have effect as if, for the reference in condition (a) of sub-paragraph (1) of that paragraph to the expected week of confinement, there were substituted a reference to the week comprising the date of the confinement.

(2) Where, in any such case as is mentioned in the preceding paragraph (not being a case in which the next following paragraph applies), the woman -

- (a) is confined on a date before the expected week of confinement;
- (b) failed to make, before her confinement, a claim for a maternity allowance in respect of expectation of the confinement; and
- (c) makes a claim for a maternity allowance by virtue of the fact that she has been confined;

subsection (2) of section fifteen B of the Law shall, in relation to that case, have effect as if, for the period mentioned therein, there were substituted a reference, -

- (i) where the date of the confinement was more than eleven weeks before the expected week of confinement, to the

period of eighteen weeks beginning with the week comprising that date; and

- (ii) where that date was not more than eleven weeks before the expected week of confinement, to the period beginning with the first day of the week comprising that date and ending with the last day of the sixth week after the expected week of confinement.

(3) Where, in any such case as is mentioned in paragraph (1) of this regulation, the woman, having failed to make, before her confinement, a claim for a maternity allowance in respect of expectation of her confinement -

- (a) is confined on a date not earlier than the first day of the eleventh week before the expected week of confinement;
- (b) makes a claim for a maternity allowance by virtue of the fact that she has been confined; and
- (c) shows to the satisfaction of the determining authority that throughout a period commencing not earlier than the eleventh week before the week comprising the date of the confinement and ending immediately before that date, she -
  - (i) did no work as an employed or self-employed person (including any such work which by virtue of any regulations made under the Law is to be disregarded for the purpose of the classification of insured persons); and
  - (ii) had good cause for her failure to make a claim in respect of expectation of her confinement;

subsection (2) of section fifteen B of the Law shall, in relation to that case, have effect as if, for the period mentioned therein, there were substituted a reference to the period commencing with the first day of the period referred to in sub-paragraph (c) of this paragraph and ending with the appropriate date determined in accordance with the next following paragraph:

Provided that this paragraph shall not apply in any case where the said first day is a day in the week comprising the date of the confinement.

(4) The said appropriate date shall be -

(a) in a case where the woman is confined before the expected week of confinement, the last day of the sixth week after the expected week of confinement; or

(b) in any other case, the last day of the sixth week after the week comprising the date of confinement:

Provided that, if the appropriate date determined in accordance with the foregoing provisions of this paragraph is later than the end of the period of eighteen weeks commencing with the first day of the period referred to in sub-paragraph (c) of the last foregoing paragraph the appropriate date shall not be so determined but shall be the last day of the period of eighteen weeks commencing with the said first day.

(5) In paragraphs (2) to (4) of this regulation, the expression "the expected week of confinement" means, in relation to a woman who has been confined, the week in which it was to have been expected that she would be confined.

Modification of section 15(B)(3) of the Law

7. Where, in accordance with any provision of the last two foregoing regulations, subsection (2) of section fifteen B of the Law is to have effect, as if, for the period mentioned therein, there were substituted another period, subsection (3) of that section (which relates to the death of a woman entitled to a maternity allowance) shall have effect accordingly but in relation only to a death after the beginning of that other period.

Contributions treated as equivalent to contributions of the appropriate class in relation to a maternity allowance

8.(1) In any case where a woman claims a maternity allowance and, in respect of weeks included in the relevant period, not less than thirty-nine contributions as an employed or self-employed person have been paid by or credited to her and, of those contributions, not less than twenty-six are contributions actually paid, then, for the purpose of the reference in paragraph 3 of the Third Schedule to the Law (in which paragraph there are set out the contribution conditions for a maternity allowance) to contributions of the appropriate class or their equivalent, there shall be treated as equivalent to a contribution of the appropriate class

every contribution as a non-employed person paid by or credited to the claimant in respect of a week included in the relevant period.

(2) The reference in the foregoing paragraph to paragraph 3 of the Third Schedule to the Law shall, in any case in relation to which the provisions of regulation six of these regulations apply, be construed as a reference to that paragraph as modified in accordance with those provisions.

(3) In this regulation, the expression "the relevant period" means, in the case of any woman claiming a maternity allowance, the period of fifty-two weeks in respect of which the contribution conditions for the allowance are required to be satisfied in her case.

(4) For the purpose of this regulation, no account shall be taken of any contributions paid by, or credited to, the woman in respect of weeks occurring before the relevant day.

Partial satisfaction of the contribution conditions for a maternity allowance

9.(1) Where a woman would be entitled to a maternity allowance but for the fact that the relevant contribution conditions set out in paragraph 3 of the Third Schedule to the Law, though satisfied as respects the twenty-six contributions required to have been actually paid, are not satisfied as respects the fifty contributions required to have been paid by or credited to the claimant, she shall nevertheless be entitled to a maternity allowance payable in accordance with the following provisions of this regulation.

(2) Where a woman is entitled to a maternity allowance by virtue of the foregoing paragraph -

- (a) the respective weekly rates of the allowance and of any increase thereof in respect of an adult dependant shall be those set out in the second and third columns respectively of the following table opposite to the numbers set out in the first column which include the number of contributions of the appropriate class or their equivalent paid by or credited to her in respect of the relevant period; and

- (b) the amount of any increase of the allowance in respect of a child shall be the same as if the relevant contribution conditions had been fully satisfied.

Numbers including the number of contributions paid or credited in respect of the relevant period	Weekly rate	
	Of maternity allowance without increase	Of increase in respect of adult dependant
48 - 49	£3.85	£2.40
46 - 47	£3.70	£2.30
43 - 45	£3.45	£2.15
40 - 42	£3.20	£2.00
37 - 39	£2.95	£1.85
34 - 36	£2.70	£1.70
33 - 30	£2.40	£1.50
26 - 29	£2.10	£1.30

(3) In this regulation -

- (a) references to the relevant contribution conditions include references to those conditions as modified in their application to cases falling within regulation six;
- (b) "the relevant period" means, in relation to any woman, the period in respect of which not less than fifty contributions of the appropriate class or their equivalent are, by the relevant contribution conditions, required to have been paid by or credited to her.

Disqualification for the receipt of a maternity allowance

- 10.(1) A woman shall be disqualified for receiving a maternity allowance -
- (a) if, during the period for which the allowance is payable, she does any work as an employed or self-employed person (including any such work which by virtue of any regulations made under the Law is to be disregarded for the purpose of the classification of insured persons), and such disqualification shall be for such part of the said period (but for not less than the number of days on which the woman so worked during the said period)

as may be decided by the determining authority;

- (b) if, during the said period, she fails without good cause to observe the following rule of behaviour, namely to take due care of her health and to answer any reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) by the Authority or its officers directed to ascertaining whether she is doing so, and such disqualification shall be for such part of the said period as may be decided by the determining authority; or
- (c) if she fails without good cause to attend for or to submit herself to any medical examination required in accordance with paragraph (3) of regulation four of these regulations and such disqualification shall be for such part of the said period (being a part beginning not earlier than the day on which the failure occurs) as may be decided by the determining authority, subject to the qualification that in the event of her being confined after such failure she shall not by reason of such failure be so disqualified for the day on which the confinement occurs or any day thereafter.

(2) References in this regulation to the period for which a maternity allowance is payable shall be construed as references to the period mentioned in subsection (2) of section fifteen B of the Law or, in a case in relation to which that subsection is modified in accordance with the provisions of this Part of these regulations, as references to the period mentioned in that subsection as so modified.

PART V

Citation and Commencement

Citation and commencement

11. These regulations may be cited as the Social Insurance (Maternity Benefit) (Guernsey) Regulations, 1971, and shall come into operation on the seventh day of June, nineteen hundred and seventy-one.

Dated this seventh day of June, nineteen hundred and seventy-one.

E. H. BODMAN

President of the States Insurance Authority,  
for and on behalf of that Authority.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport).

These Regulations contain miscellaneous provisions relating to maternity grant and maternity allowance. They principally relate to the payment of more than one grant in respect of multiple births (regulation 2); the payment of maternity grant before confinement if desired (regulation 3); the conditions attaching to a maternity allowance in respect of expectation of confinement and the duration of an allowance in such circumstances (regulations 4 and 5); the conditions for, and duration of, a maternity allowance by virtue of the fact of confinement (regulation 6); the partial satisfaction of the contribution conditions for a maternity allowance (regulation 9); and disqualifications for the receipt of a maternity allowance (regulation 10). The remaining provisions are of a minor character,