



Jersey

SOCIAL SECURITY (MATERNITY BENEFIT) (JERSEY) ORDER 1975¹

Official Consolidated Version

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SOCIAL SECURITY (MATERNITY BENEFIT) (JERSEY) ORDER 1975

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SOCIAL SECURITY (MATERNITY BENEFIT) (JERSEY) ORDER 1975²

THE EMPLOYMENT AND SOCIAL SECURITY COMMITTEE, in pursuance of Articles 14, 21, 22, 29 and 51 of the [Social Security \(Jersey\) Law 1974](#), orders as follows –³

Commencement [[see endnotes](#)]

PART 1

PROVISIONS RELATING TO MATERNITY GRANT

1 Maternity grants in respect of multiple births

A woman who is confined of twins or a greater number of children 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 12 hours after the time of the child's 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 12 hours.

2 Maternity grant in respect of expectation of confinement

In a case where a woman makes a claim for a maternity grant and indicates therein that she desires that the provisions of Article 21 of the Law 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 13 weeks before the date on which it is to be expected that she will be confined –

- (a) that Article 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 5 of Schedule 2 to the Law shall apply as if for sub-paragraph (2)(b) of that paragraph, there were substituted the following –

“(b) the expression “relevant quarter” means the previous quarter but one before the quarter in which it is to be expected that the claimant will be confined or –

- (i) where the relevant person is the spouse and he or she was dead or over pensionable age on the date of the making of the claim, the date of his or her attaining pensionable age or dying under that age, and
- (ii) where the relevant person is the civil partner and she was dead or over pensionable age on the date of the making of the claim, the date of her attaining pensionable age or dying under that age.”⁴

3 Confinements occurring outside Jersey

A woman shall not be disentitled to a maternity grant by reason only of her confinement occurring outside Jersey:

Provided that, in the case of such a woman, the contribution conditions set out in paragraph (5)(1) of Schedule 2 to the Law shall apply as if, for the said sub-paragraph, there were substituted the following –

“(1) The contribution conditions for maternity grant are that –

- (a) the relevant person had paid contributions prior to the end of the relevant quarter and the annual contribution factor derived from those contributions is not less than 0.25; and
- (b) the relevant person has paid or been credited with contributions in respect of the relevant quarter and the quarterly contribution factor derived from those contributions is not less than 1.00.”⁵

PART 2

PROVISIONS RELATING TO MATERNITY ALLOWANCE

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

- (1) For the purposes of Article 22(1)(a) of the Law the prescribed number of weeks shall be 13.⁶
- (2) 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 3 clear days’ notice in writing given by or on behalf of the Minister, submit herself to medical examination at such time and place as may be specified in the notice.

5 Duration of maternity allowance in respect of expectation of confinement

- (1) ⁷
- (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 by the beginning of the 8th day after the expected date of confinement, the period referred to in Article 22(2) of the Law shall be extended by one day for every day during which the pregnancy continues after the expected date of confinement.⁸
- (3) Where a woman has made a claim for a maternity allowance in respect of expectation of her confinement and intended the maternity allowance period to commence on the expected date of confinement but confinement has not occurred by that date, if she continues to work until the actual date of confinement –
- (a) the maternity allowance period shall commence from the actual date of confinement, provided that the woman has not worked in employment or as a self-employed person on that date; and
- (b) there shall be no reduction in the period during which the maternity allowance is payable.⁹
- (4) No maternity allowance period shall be extended under paragraph (2) or commenced under paragraph (3) unless the claimant gives to the Minister written notice, in such form as may be approved by the Minister, that she has been confined and the notice is so given within 6 weeks, or such longer period not exceeding 3 months as the determining authority may allow, of the date of confinement.¹⁰

6 Confinement occurring before claim for maternity allowance made¹¹

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), Article 22(1) of the Law shall have effect as if for the condition for entitlement to a maternity allowance contained in sub-paragraph (a) of that paragraph, there were substituted the condition that the woman has been confined.

7 Partial satisfaction of contribution conditions and reduced rates of benefit

- (1) Where a woman would be entitled to a maternity allowance but for the fact that the contribution condition set out in paragraph 4(1)(b) of Schedule 2 to the Law is not satisfied, that woman shall nevertheless be entitled to benefit, at a reduced rate ascertained in accordance with paragraph (2) of this Article, if the quarterly contribution factor derived from contributions paid by or credited to her in respect of the relevant quarter is not less than 0.33.
- (2) Where a woman is entitled to a maternity allowance under paragraph (1), the allowance shall be payable at such weekly rate as bears the same relationship to the weekly rate of maternity allowance set out in Part 1 of Schedule 1 to the Law as the quarterly contribution factor derived from contributions paid by or credited to her in respect of the relevant quarter bears to a quarterly contribution factor of 1.00.

8 Disqualification for the receipt of a maternity allowance

- (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 Order 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 Minister or an officer in an administration of the States for which the Minister is assigned responsibility 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 Article 4(2), 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 Article to the period for which a maternity allowance is payable shall be construed as references to the period mentioned in Article 22(2) of the Law or, in a case in relation to which that paragraph is modified in accordance with the provisions of this Part, as references to the period mentioned in that paragraph as so modified.
- (3) For the purposes of paragraph (1)(a), work means any work undertaken on more than 10 days, whether consecutive or not, and includes training or any activity undertaken for the purposes of keeping in touch with the workplace but excludes –
- (a) any work carried out in the 2 weeks immediately following the date of childbirth; and
 - (b) reasonable contact from time to time between the woman and her employer during the maternity allowance period.¹²

PART 3

GENERAL

9 Interpretation

In this Order –

“determining authority” means, as the case may require, the determining officer or the Social Security Tribunal;

“Law” means the [Social Security \(Jersey\) Law 1974](#).

10 Citation

This Order may be cited as the Social Security (Maternity Benefit) (Jersey) Order 1975.

ENDNOTES

Table of Legislation History

| Legislation | Year and No | Commencement |
|---|----------------------------------|---|
| Social Security (Maternity Benefit) (Jersey) Order 1975 | R&O.6124 | 1 January 1975 |
| Social Security (Maternity Benefit) (Amendment) (Jersey) Order 1982 | R&O.7089 | 7 September 1982 |
| Social Security (Maternity Benefit) (Amendment No. 2) (Jersey) Order 1984 | R&O.7271 | 26 March 1984 |
| States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005 | R&O.48/2005 | 9 December 2005 |
| Civil Partnership (Consequential Amendments) (Jersey) Regulations 2012 | R&O.47/2012 | 2 April 2012 |
| Social Security (Miscellaneous Provisions No. 4) (Jersey) Order 2014 | R&O.213/2014 | 1 January 2015 |
| Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018 | L.19/2018 | 1 July 2018 (R&O.68/2018) |

Table of Renumbered Provisions

| Original | Current |
|----------|--|
| PART I | PART 1 |
| PART II | PART 2 |
| PART III | PART 3 |
| 9(1) | 9 |
| (2) | spent, omitted from this revised edition |

Table of Endnote References

¹ This Order was repealed by the Social Security (Parental Benefit) (Jersey) Order 2020 on 24 November 2020

² This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government

³ Preamble amended by R&O.213/2014

⁴ Article 2 amended by R&O.47/2012, R&O.213/2014, L.19/2018

⁵ Article 3 proviso substituted by R&O.7089

⁶ Article 4(1) amended by R&O.213/2014

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- ⁷ Article 5(1) *deleted by R&O.213/2014*
⁸ Article 5(2) *substituted by R&O.213/2014*
⁹ Article 5(3) *added by R&O.213/2014*
¹⁰ Article 5(4) *added by R&O.213/2014*
¹¹ Article 6 *substituted by R&O.213/2014*
¹² Article 8(3) *added by R&O.213/2014*