

2007 No.

SOCIAL SECURITY

The Health in Pregnancy Grant (Entitlement, Amount and Administration) Regulations 2007

<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force</i> - -	***

These Regulations are made by the Treasury and the Commissioners for Her Majesty's Revenue and Customs.

The powers exercised by the Treasury are those conferred by sections 140A(1), (4) and (5) and 140B(1) of the Social Security Contributions and Benefits Act 1992(a), sections 136A(1), (4) and (5) and 136B(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b) and section 115(3) of the Immigration and Asylum Act 1999(c).

The powers exercised by the Commissioners for Her Majesty's Revenue and Customs are those conferred by sections 5 and 12A(5) of the Social Security Administration Act 1992(d) and sections 5 and 10A(5) of the Social Security Administration (Northern Ireland) Act 1992(e).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health in Pregnancy Grant (Entitlement) Regulations 2007 and shall come into force —

- (a) for the purpose of enabling claims to be made, on [] 2009;
- (b) for the purpose of enabling awards to be made, on [] 2009; and
- (c) for the purpose of enabling payments to be made and for all other purposes, on 6 April 2009.

(2) In these Regulations —

“SSCBA” means the Social Security Contributions and Benefits Act 1992;

“SSCB(NI)A” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“SSAA” means the Social Security Administration Act 1992;

“SSA(NI)A” means the Social Security Administration (Northern Ireland) Act 1992;

(a) 1992 (c.4). Sections 140A and 140B were inserted by section [121] of the Health and Social Care Act 2008 c. [].

(b) 1992 (c.7). Sections 136A and 136B were inserted by section [124] of the Health and Social Care Act 2008.

(c) 1999 (c. 33). Section 115 was amended by section [128(2)] of the Health and Social Care Act 2008.

(d) 1992 (c. 5). Section 5 was amended, and section 12A was inserted, by section [122] of the Health and Social Care Act 2008.

(e) 1992 (c. 8). Section 5 was amended, and section 10A was inserted, by section [125] of the Health and Social Care Act 2008.

PART 1

Entitlement

Conditions in relation to pregnancy

2.—(1) For the purposes of section 140A(1) of SSCBA and section 136A(1) of SSCB(NI)A (prescribed conditions in relation to a pregnancy), a woman shall be at least 25 weeks pregnant at the time of her claim for health in pregnancy grant. This is subject to paragraph (2).

(2) A woman who has given birth to a child or still-born child is entitled to payment of health in pregnancy grant if in relation to that birth she had been at least 25 weeks pregnant and before that birth had received advice on matters relating to maternal health from a health professional.

Health Professional

3. For the purposes of section 140A(3) of SSCBA and section 136A(3) of SSCB(NI)A (requirement of advice from a health professional), a health professional means —

- (a) a registered medical practitioner;
- (b) a registered nurse; and
- (c) a registered midwife(a).

Circumstances in which a woman is to be treated as not being in Great Britain or Northern Ireland

4.—(1) For the purposes of section 140A(3) of SSCBA, a woman is to be treated as not being in Great Britain if —

- (a) she is not ordinarily resident in the United Kingdom, or
- (b) she does not have a right to reside in the United Kingdom.

(2) For the purposes of section 136A(3) of SSCB(NI)A, a woman is to be treated as not being in Northern Ireland if —

- (a) she is not ordinarily resident in the United Kingdom, or
- (b) she does not have a right to reside in the United Kingdom.

Crown servants posted overseas

5.—(1) For the purposes of section 140A(3) of SSCBA, a woman is to be treated as being in Great Britain if she is a Crown servant posted overseas.

(2) A Crown servant posted overseas is a person performing overseas (but not in Northern Ireland) the duties of any office or employment under the Crown [in right of the UK?]

- (a) who is, or was, immediately prior to her posting or her first of consecutive postings, ordinarily resident in the United Kingdom; or
- (b) who, immediately prior to her posting or her first of consecutive postings, was in the United Kingdom in connection with that posting.

Partners of Crown servants posted overseas

6. For the purposes of section 140A(3) of SSCBA, the partner of a Crown servant posted overseas is to be treated as being in Great Britain if she is in the country where the Crown servant is posted, accompanying that Crown servant.

(a) The terms 'registered medical practitioner' and 'registered' in relation to nurses and midwives are defined in Schedule 1 to the Interpretation Act 1978 (c.30).

Females normally living with Crown servants posted overseas

7. For the purposes of section 140A(3) of SSCBA, a female is to be treated as being in Great Britain if she is a person who normally lives with a Crown servant posted overseas as his or her daughter in the country where the Crown servant is posted.

Amendment to the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000

8.—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000(a) are amended as follows.

(2) In regulation 2 (Persons not excluded from specified benefits under section 115 of the Immigration and Asylum Act 1999), in paragraph (2), after “social fund payment” insert “, health in pregnancy grant”.

(3) In the heading to Part II of the Schedule, after “Social Fund Payment” insert “, Health in Pregnancy Grant”.

Exemption from requirement to supply or apply for national insurance number

9. The requirement in subsection (2) of section 12A of SSAA and subsection (2) of section 10A of SSA(NI)A (provision of or application for national insurance number as condition of entitlement to health in pregnancy grant) shall not apply to women under the age of 16.

PART 2

Amount of Health in Pregnancy Grant

Amount of Health in Pregnancy Grant

10. The amount of health in pregnancy grant shall be, in relation to each pregnancy, £190.

PART 3

Administration

Claims

11.—(1) A claim for health in pregnancy grant must be made to [the Commissioners for Her Majesty’s Revenue and Customs] in writing on a form approved by the [Commissioners] and completed in accordance with the instructions on it.

(2) The claim must include a certificate signed by a health professional in relation to the pregnancy the claim relates to.

(3) The certificate must include —

- (a) the name and date of birth of the woman in relation to whose pregnancy the claim is being made;
- (b) the stage of the pregnancy;
- (c) confirmation that advice has been given to the woman on matters relating to her maternal health; and
- (d) the date, name and [pin number] of the health professional.

(a) S.I. 2000/636.

Time within which claims must be made

12. A claim for health in pregnancy grant must be made within 1 month^(a) of the date of the certificate signed by the health professional.

Signatory text

	<i>Name</i>
	Name
2008	Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to entitlement to health in pregnancy grant and supplement the entitlement provisions in Part 4 of the Health and Social Care Act 2008 (c. []). They also prescribe the amount of the grant and make provision for its administration. They make provision in relation to Great Britain and Northern Ireland.

Regulation 1 provides for payment of health in pregnancy grant to be made on and after 6 April 2009 and for claims and decisions on awards to be made before that date.

Regulation 2 prescribes conditions a woman must satisfy to entitle her to the grant. Paragraph 1 provides that the woman must be at least 25 weeks pregnant. Paragraph 2 provides that a woman is still entitled to the grant if she has given birth provided that she had been at least 25 weeks pregnant and she had received advice on matters relating to maternal health before the birth.

Regulation 3 prescribes the categories of health professionals from whom advice on matters relating to maternal health must be received to be entitled to the grant.

Regulations 4 to 7 qualify the requirements under section 140A(3)(b) of the Social Security Contributions and Benefits Act 1992 and section 136A(3)(b) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 that to be entitled to the grant the woman must be in, respectively, Great Britain or Northern Ireland at the time she makes a claim for the grant.

Regulation 4 provides that unless the woman is ordinarily resident in the United Kingdom and has a right to reside in the United Kingdom, she will be treated as not being in Great Britain or Northern Ireland as the case may be.

Regulation 5 treats Crown servants posted overseas as being in Great Britain. Regulations 6 and 7 also treat, respectively, the partners and daughters of those Crown servants as being in Great Britain.

Regulation 8 concerns the affect of immigration status on entitlement to the grant in Great Britain. Section 115 of the Immigration and Asylum Act 1999 (c. 33) excludes women subject to immigration control (as defined by that section) from entitlement to the grant. Subsection (3) of that section permits exceptions to that exclusion to be prescribed. Regulation 9 prescribes such an exception , excluding women falling within the descriptions of persons in Part II of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636).

(a) By virtue of Schedule 1 to the Interpretation Act 1978 (c.30) "month" means calendar month.

Regulation 9 exempts women under the age of 16 from the requirement in section 12A of the Social Security Administration Act 1992 (c. 5) and section 10A the Social Security Administration (Northern Ireland) Act 1992 (c. 8) to supply or apply for a national insurance number.

Regulation 10 prescribes the amount of the grant.

Regulation 11 makes provision in relation to the claim for health in pregnancy grant. Regulation 12 requires the claim to be made within 1 month of the date of the certificate of the health professional.

[regulatory impact assessment]