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Claimant ignorant of the time limits for claiming maternity allowance.

*Held* that she should have made enquiries. Claim disallowed.

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1. My decision is that the claimant is disqualified for receiving maternity allowance for any period before the date on which she made a claim for such allowance, that is, the 18th September, 1948, by reason of the provisions of Regulation 11(1)(d) of the National Insurance (Claims and Payments) Regulations, 1948 [S.I. 1948 No. 1041].

2. Claimant gave birth to a child on 2nd September, 1948, and if she had fully complied with the statutory provisions and regulations applicable to such a case she would have been entitled to receive maternity allowance for a period of 13 weeks beginning with the week ending Saturday, 24th July.

She had, however, furnished no certificate of expected confinement before that event, nor did she furnish any certificate that she had been confined, or make any claim for maternity allowance, until 18th September, 1948.

3. The Insurance Officer held her to be disqualified in respect of the period before 18th September, 1948. The claimant appealed, pleading ignorance of the requirements of the Act and the regulations and the Local Tribunal (the Chairman dissenting) allowed her appeal, considering that she "did not claim owing to the passing of the Act being so recent and that this is just cause for her ignorance of the regulation". The Insurance Officer, in turn, appeals from this decision.

4. The main provision as to maternity allowance is contained in Section 15 of the Act. Subsection (1), read with Regulation 3(1) of the National Insurance (Maternity Benefit) Regulations, 1948 [S.I. 1948 No. 1166], entitles a woman (subject to her satisfying the relevant contribution conditions) to a maternity allowance on production of a certificate of expected confinement within the seven weeks following the giving of the certificate.

5. Subsection (2) of the same section defines the period (of 13 weeks) for which the allowance is payable, beginning with the sixth week before the expected week of confinement.

6. Subsection (4) of the same section provides for the modifying of Subsections (1) and (2) by regulations where no certificate has been given before the confinement.

7. Regulation 3(3) of the Maternity Benefit Regulations accordingly substitutes for the certificate of expected confinement a certificate that the woman concerned has been confined and Regulation 3(4), in such a case, substitutes for the period of 13 weeks a period of seven weeks beginning with the week in which the confinement occurred.

8. This again is qualified by Regulation 3(5) which provides that, in a case where the woman has not done any work as an employed or self-employed person during a certain period before confinement and had good cause either for not then making a claim or for not furnishing a certificate of expected confinement, the allowance shall be paid for a period of not more than 13 weeks.

9. The necessity of making a claim in due time arises under Regulation 11 of the National Insurance (Claims and Payments) Regulations, 1948 [S.I. 1948 No. 1041].

10. Paragraph (1)(d) of this regulation provides that if a person fails to claim maternity allowance within the prescribed time she shall be disqualified for receiving payment in respect of any period before the date on which the claim is made and, under Paragraph (2)(e) of the same regulation the prescribed time is "the period up to the date on which, apart from satisfying the said condition (i.e., the condition of making a claim) the claimant becomes entitled thereto".

11. Both Paragraph (1) and Paragraph (2) contain provisos in favour of a claimant, avoiding, in whole or in part, the restrictive operation of the said paragraphs, on good cause shown.

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12. If good cause be not shown under these provisos or under Regulation 3(5) of the Maternity Benefit Regulations, then, in the present case, the claimant's right to the benefit in question is restricted, by Regulation 3(4) of the Maternity Benefit Regulations, to a period of seven weeks beginning with the week in which the confinement occurred and, by Regulation 11(1)(d) of the Claims and Payments Regulations, is further restricted by disqualification in respect of the period before the date on which the claim was made.

13. The question to be determined, therefore, is whether claimant has shown good cause for her failure to furnish a certificate of expected confinement or for the delay in making the claim.

14. The only substantial reason advanced by the claimant for her failure and delay was her ignorance of what was required of her. The Local Tribunal held this to be good cause, "the passing of the Act being so recent". As to this it may be observed that the Act became law on the 1st August 1946, though it did not come into operation until 5th July 1948, and the Claims and Payments Regulations were not made until the 18th May 1948. In the meantime the Act had received great publicity by means of the Family Guide, special leaflets obtainable on request, and otherwise. But the rule governing the matter is much broader than this observation might seem to suggest. It is, simply, that ignorance of an Act or regulations cannot constitute good cause for non-observance of their requirements. It is the duty of claimants who are ignorant of their rights or duties under the Act or regulations to take reasonable steps to obtain the necessary information, e.g., by enquiring at the local office of the Ministry of National Insurance. This principle is firmly established in the administration of the earlier National Insurance Acts and, this being so, my decision must be as already stated.

15. The appeal of the Insurance Officer is allowed.

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