



Employment Rights Act 1996

1996 CHAPTER 18

[^{F1}PART VIII E+W+S

^{F1}CHAPTER I E+W+S

MATERNITY LEAVE

[^{F1F2}73 Additional maternity leave. E+W+S

- (1) An employee who satisfies prescribed conditions may be absent from work at any time during an additional maternity leave period.
- (2) An additional maternity leave period is a period calculated in accordance with regulations made by the Secretary of State.

[^{F3}(3) Regulations under subsection (2)—

- (a) may allow an employee to choose, subject to prescribed restrictions, the date on which an additional maternity leave period ends;
- (b) may specify circumstances in which an employee may work for her employer during an additional maternity leave period without bringing the period to an end.]
- (4) Subject to section 74, an employee who exercises her right under subsection (1)—
 - (a) is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if she had not been absent,
 - (b) is bound, for such purposes and to such extent as may be prescribed, by obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1)), and
 - (c) is entitled to return from leave to a job of a prescribed kind.
- (5) In subsection (4)(a) “terms and conditions of employment”—

Status: Point in time view as at 27/06/2006. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 73 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) includes matters connected with an employee's employment whether or not they arise under her contract of employment, but
- (b) does not include terms and conditions about remuneration.

[In subsection (4)(c), the reference to return from leave includes, where appropriate, a^{F4}(5A) reference to a continuous period of absence attributable partly to additional maternity leave and partly to ordinary maternity leave.]

- (6) The Secretary of State may make regulations specifying matters which are, or are not, to be treated as remuneration for the purposes of this section.
- (7) The Secretary of State may make regulations making provision, in relation to the right to return under subsection (4)(c), about—
 - (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.]

Textual Amendments

- F1** Pt. 8 (ss. 71-80) substituted for Pt. 8 (ss. 71-85) (15.12.1999) by 1999 c. 26, s. 7, **Sch. 4 Pt. 1**; S.I. 1999/2830, art. 2(1)(2), **Sch. 1 Pt. 2** (with transitional provisions in Sch. 3 para. 10)
- F2** Pt. VIII (ss. 71-80) substituted for Pt. VIII (ss. 71-85) (15.12.1999) by 1999 c. 26, s. 7, **Sch. 4 Pt. I**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with Sch. 3 para. 10)
- F3** S. 73(3) substituted (27.6.2006 for certain purposes, otherwise 1.10.2006) by Work and Families Act 2006 (c. 18), ss. 11, 19, **Sch. 1 para. 32**; S.I. 2006/1682, art. 2(c), 3(c)(d)
- F4** S. 73(5A) inserted (24.11.2002) by Employment Act 2002 (c. 22), s. 17(4); S.I. 2002/2866, arts. 2(1), 3, Sch. 1 Pt. 1 (with Sch. 3 para. 3)

Status:

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