



Employment Act 2002

2002 CHAPTER 22

PART 1

STATUTORY LEAVE AND PAY

CHAPTER 2

MATERNITY

17 Rights during and after maternity leave

- (1) Chapter 1 of Part 8 of the Employment Rights Act 1996 (c. 18) (maternity leave) is amended as follows.
- (2) In section 71 (ordinary maternity leave), in subsection (4) (rights during and after leave)—
 - (a) in paragraph (a), after “entitled” there is inserted “, for such purposes and to such extent as may be prescribed,”,
 - (b) in paragraph (b), after “bound” there is inserted “, for such purposes and to such extent as may be prescribed”, and
 - (c) for paragraph (c) there is substituted—

“(c) is entitled to return from leave to a job of a prescribed kind.”
- (3) In that section, for subsection (7) there is substituted—

“(7) The Secretary of State may make regulations making provision, in relation to the right to return under subsection (4)(c) above, about—

 - (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.”
- (4) In section 73 (additional maternity leave), after subsection (5) there is inserted—

Changes to legislation: Employment Act 2002, Section 17 is up to date with all changes known to be in force on or before 14 April 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) [View outstanding changes](#)

“(5A) In subsection (4)(c), the reference to return from leave includes, where appropriate, a reference to a continuous period of absence attributable partly to additional maternity leave and partly to ordinary maternity leave.”

(5) In section 74 (redundancy and dismissal), in subsection (4) (power to make provision about the right to return from, and for dismissal at the end of, an additional maternity leave period)—

- (a) after “section” (where it first appears) there is inserted “ 71 or ”,
- (b) in paragraph (a), after “section” there is inserted “ 71(4)(c) or ”, and
- (c) in paragraph (b), after “an” there is inserted “ ordinary or ”.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3)(e) and word inserted by [2023 c. 20 Sch. para. 36\(4\)\(c\)](#)
- s. 15(2)(bb) word omitted by [2023 c. 20 Sch. para. 43\(a\)](#)
- s. 15(2)(bc) inserted by [2023 c. 20 Sch. para. 43\(b\)](#)