

STATUTORY INSTRUMENTS

1999 No. 3312

The Maternity and Parental Leave etc. Regulations 1999

PART II

MATERNITY LEAVE

[^{F1}Application of terms and conditions during ordinary maternity leave [^{F2}and additional maternity leave]

9.—(1) An employee who takes ordinary maternity leave [^{F3}or additional maternity leave]—

- (a) is entitled, during the period of leave, to the benefit of all of the terms and conditions of employment which would have applied if she had not been absent, and
- (b) is bound, during that period, by any obligations arising under those terms and conditions, subject only to [^{F4}the exceptions in sections 71(4)(b) and 73(4)(b)] of the 1996 Act.

(2) In paragraph (1)(a), “terms and conditions” has the meaning given by [^{F5}sections 71(5) and 73(5)] of the 1996 Act, and accordingly does not include terms and conditions about remuneration.

(3) For the purposes of [^{F6}sections 71 and 73] of the 1996 Act, only sums payable to an employee by way of wages or salary are to be treated as remuneration.]

[^{F7}(4) In the case of accrual of rights under an employment-related benefit scheme within the meaning given by Schedule 5 to the Social Security Act 1989, nothing in paragraph (1)(a) concerning the treatment of additional maternity leave shall be taken to impose a requirement which exceeds the requirements of paragraph 5 of that Schedule.]

- F1** Reg. 9 substituted (24.11.2002 with effect in accordance with reg. 2(1) of the amending S.I.) by [The Maternity and Parental Leave \(Amendment\) Regulations 2002 \(S.I. 2002/2789\)](#), regs. 1(1), **9**
- F2** Words in reg. 9 heading inserted (23.7.2008 with effect in accordance with reg. 2 of the amending S.I.) by [The Maternity and Parental Leave etc. and the Paternity and Adoption Leave \(Amendment\) Regulations 2008 \(S.I. 2008/1966\)](#), regs. 1, **4(1)(a)**
- F3** Words in reg. 9(1) inserted (23.7.2008 with effect in accordance with reg. 2 of the amending S.I.) by [The Maternity and Parental Leave etc. and the Paternity and Adoption Leave \(Amendment\) Regulations 2008 \(S.I. 2008/1966\)](#), regs. 1, **4(1)(b)**
- F4** Words in reg. 9(1)(b) substituted (23.7.2008 with effect in accordance with reg. 2 of the amending S.I.) by [The Maternity and Parental Leave etc. and the Paternity and Adoption Leave \(Amendment\) Regulations 2008 \(S.I. 2008/1966\)](#), regs. 1, **4(1)(c)**
- F5** Words in reg. 9(2) substituted (23.7.2008 with effect in accordance with reg. 2 of the amending S.I.) by [The Maternity and Parental Leave etc. and the Paternity and Adoption Leave \(Amendment\) Regulations 2008 \(S.I. 2008/1966\)](#), regs. 1, **4(1)(d)**
- F6** Words in reg. 9(3) substituted (23.7.2008 with effect in accordance with reg. 2 of the amending S.I.) by [The Maternity and Parental Leave etc. and the Paternity and Adoption Leave \(Amendment\) Regulations 2008 \(S.I. 2008/1966\)](#), regs. 1, **4(1)(e)**

Changes to legislation: *There are currently no known outstanding effects for the The Maternity and Parental Leave etc. Regulations 1999, Section 9. (See end of Document for details)*

F7 Reg. 9(4) inserted (23.7.2008 with effect in accordance with reg. 2 of the amending S.I.) by The Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2008 (S.I. 2008/1966), regs. 1, **4(1)(f)**

Changes to legislation:

There are currently no known outstanding effects for the The Maternity and Parental Leave etc. Regulations 1999, Section 9.