



# Ministerial and other Maternity Allowances Act 2021

## 2021 CHAPTER 5

### *Opposition maternity allowances*

#### **4 Payment of maternity allowance: Opposition office**

- (1) A person appointed for the purposes of this section to take temporary responsibility for carrying out the functions of the holder of an opposition office is to be paid an allowance in accordance with section 5.
- (2) An “opposition office” means—
  - (a) in the House of Commons, the Leader of the Opposition, the Chief Opposition Whip or an Assistant Opposition Whip;
  - (b) in the House of Lords, the Leader of the Opposition or the Chief Opposition Whip;and “Leader of the Opposition”, “Chief Opposition Whip” and “Assistant Opposition Whip” have the meanings given by section 2(1) of the Ministerial and other Salaries Act 1975.
- (3) An appointment under subsection (1)—
  - (a) in relation to an office within subsection (2)(a), may be made by the Leader of the Opposition in the House of Commons;
  - (b) in relation to an office within subsection (2)(b), may be made by the Leader of the Opposition in the House of Lords.
- (4) An initial appointment under subsection (1) may be made only at a time when the holder of the office appears to the person making the appointment to satisfy either of the conditions in subsection (5).
- (5) The conditions in this subsection are that—
  - (a) the holder is pregnant and it is no more than 12 weeks before the expected week of childbirth;
  - (b) the holder has given birth to a child within the previous 4 weeks.

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*Changes to legislation: There are currently no known outstanding effects for the Ministerial and other Maternity Allowances Act 2021, Cross Heading: Opposition maternity allowances. (See end of Document for details)*

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- (6) A subsequent appointment under subsection (1) may be made—
  - (a) before the end of the period of 6 months beginning with the day on which the initial appointment is made, and
  - (b) if the previous appointment has ended.
- (7) In subsection (5)(b) “child” includes a still-born child within the meaning of the Births and Deaths Registration Act 1953 (see section 41(1) of that Act).
- (8) An appointment under subsection (1) ends—
  - (a) at the end of the period of 6 months beginning with the day on which the appointment (or, if earlier, the initial appointment) under subsection (1) is made, or
  - (b) if earlier, when it is terminated by the person who made the appointment.

## **5 Opposition leave: amount and payment of allowance**

- (1) The allowance payable by virtue of section 4(1) is an amount equivalent to the salary which is being paid to the holder of the opposition office and is to be paid in monthly instalments.
- (2) The allowance ceases to be payable when the person's appointment ends, and any overpayment of the allowance may be recouped.
- (3) Payments under this section are to be charged on and paid out of the Consolidated Fund.

## **6 Opposition leave: other provision**

- (1) While a person is appointed under section 4(1) to take temporary responsibility for carrying out the functions of the holder of an opposition office within section 4(2)(b)—
  - (a) no allowance is payable under section 5(1)(b) of the Ministerial and other Pensions and Salaries Act 1991 (allowance for opposition office-holders in the House of Lords) to the holder of the office, but
  - (b) an allowance is payable under that provision (and in accordance with section 8(2) of that Act) to the person appointed under section 4(1) of this Act as if they were the holder of the opposition office in respect of which the appointment was made.
- (2) The reference in paragraph 16(2)(b) of Schedule 6 to the Constitutional Reform and Governance Act 2010 to service as the holder of an office specified in Part 1 of Schedule 2 to the Ministerial and other Salaries Act 1975 (Opposition leaders and whips) includes a reference to service as a person appointed under section 4(1).

**Changes to legislation:**

There are currently no known outstanding effects for the Ministerial and other Maternity Allowances Act 2021, Cross Heading: Opposition maternity allowances.