



Ministerial and other Maternity Allowances Act 2021

2021 CHAPTER 5

Ministerial maternity allowances

1 Payment of maternity allowance: Ministerial office

- (1) A mother or expectant mother designated as a Minister on Leave under this section is to be paid an allowance in accordance with section 2.
- (2) The Prime Minister may designate a mother or expectant mother as a Minister on Leave if—
 - (a) the mother or expectant mother appears to the Prime Minister to satisfy either of the conditions in subsection (3), and
 - (b) the mother or expectant mother ceases to hold a ministerial office (“the first ministerial office”) but remains a member of Her Majesty’s Government in the United Kingdom by virtue of immediately being appointed to another ministerial office (“the designated ministerial office”) for the purposes of being designated under this section.
- (3) The conditions in this subsection are that—
 - (a) the expectant mother is within 12 weeks before the expected week of childbirth;
 - (b) the mother has given birth to a child within the previous 4 weeks.
- (4) In subsection (3)(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).
- (5) In this Act “ministerial office” means—
 - (a) an office specified in any of Parts 1 to 4 of Schedule 1 to the Ministerial and other Salaries Act 1975;
 - (b) the office of Lord Chancellor.
- (6) A designation under this section ends—

- (a) at the end of the period of 6 months beginning with the day on which the designation takes effect, or
- (b) if earlier, when the mother or expectant mother designated ceases to hold the designated ministerial office.

2 Ministerial leave: amount and payment of allowance

- (1) The allowance payable by virtue of section 1(1)—
 - (a) is an amount equivalent to 6 times the monthly amount of the salary which was being paid to the mother or expectant mother in respect of the first ministerial office, and
 - (b) is to be paid in 6 monthly instalments.

This is subject to subsections (2) to (4).

- (2) If no salary was being paid in respect of that office, no allowance is payable.
- (3) Where the mother or expectant mother ceases to hold the designated ministerial office at a time before the allowance has been paid in full, the amount of the allowance outstanding is to be paid as a lump sum.
- (4) But if the mother or expectant mother ceases to hold the designated ministerial office because they are appointed to another ministerial office or die—
 - (a) the allowance payable is reduced by a pro rata amount for each day of the 6-month period remaining, and
 - (b) any overpayment of the allowance may be recouped.
- (5) In subsection (4) the “6-month period” means the period of 6 months beginning with the day on which the designation takes effect.
- (6) Payments under this section—
 - (a) are to be made out of money provided by Parliament if the salary being paid in respect of the first ministerial office was payable out of such money;
 - (b) are to be charged on and paid out of the Consolidated Fund if that salary was charged on and payable out of that Fund.

3 Ministerial leave: other provision

- (1) While the designation has effect, the holding of the designated ministerial office is to be ignored for the purposes of section 2(1) and (2) of the House of Commons Disqualification Act 1975 (limit on number of persons who are holders of Ministerial offices entitled to sit and vote in the House of Commons).
- (2) If the designation ends by virtue of section 1(6)(a), but the mother designated has not ceased to hold the designated ministerial office, the mother is to be treated for the purposes of section 2(2) of that Act as having become the holder of that office when the designation ended.
- (3) No salary under the Ministerial and other Salaries Act 1975 may be paid in respect of the designated ministerial office.
- (4) In the application of the Ministerial and other Pensions and Salaries Act 1991 to a mother or expectant mother who ceases to hold a designated ministerial office—

- (a) subsection (3) of this section does not prevent the designated ministerial office falling within section 4(6)(a) of that Act;
 - (b) sections 4(2) and 8(1) of that Act have effect as if the salary referred to in those provisions were the salary which was being paid to the mother or expectant mother in respect of the first ministerial office immediately before the mother or expectant mother ceased to hold that office.
- (5) No allowance is payable under section 5(1)(a) of that Act (allowance for ministerial office-holders in the House of Lords) in respect of the designated ministerial office.