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STATUTORY INSTRUMENTS

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**2008 No. 1966**

**The Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2008**

**Application of terms and conditions during ordinary maternity leave and additional maternity leave**

- 4.—(1) In regulation 9(1) (application of terms and conditions during ordinary maternity leave)—
- (a) in the heading, after “ordinary maternity leave”, insert “and additional maternity leave”;
  - (b) in paragraph (1), after “ordinary maternity leave”, insert “or additional maternity leave”;
  - (c) in paragraph (1)(b), for “the exception in section 71(4)(b)”, substitute “the exceptions in sections 71(4)(b) and 73(4)(b)”;
  - (d) in paragraph (2), for “section 71(5)”, substitute “sections 71(5) and 73(5)”;
  - (e) in paragraph (3), for “section 71”, substitute “sections 71 and 73” ; and
  - (f) after paragraph (3) insert—

“(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(2), 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.”.

- (2) In regulation 17 (application of terms and conditions during periods of leave), omit “additional maternity leave or”.

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(1) Regulation 9 was substituted by regulations 3 and 9 of the Maternity and Parental Leave (Amendment) Regulations 2002 (S.I. 2002/2789).

(2) 1989 c. 24. Schedule 5 was amended by section 265(1) of the Pensions Act 2004 (c. 35). Further amendments have been made to Schedule 5, which are not relevant to these Regulations.