

Shared Parental Leave and Pay (Extension) Bill

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TO

Make provision about shared parental leave and pay for workers, including those that are self-employed; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Shared maternity allowance

- (1) The Social Security Contributions and Benefits Act 1992 is amended as follows.
- (2) After section 35 insert—

“35Z Shared maternity allowance

- (1) The Secretary of State must make regulations to enable a woman (“M”) who—
 - (a) is entitled to a maternity allowance under section 35 relating to a child (“C”),
 - (b) satisfies specified self-employment conditions, and
 - (c) satisfies other specified conditions,
 to share entitlement to that maternity allowance with another person (“P”).
- (2) Regulations may provide that P’s entitlement to receive a maternity allowance is subject to conditions as to—
 - (a) caring or intending to care, with M, for C;
 - (b) relationship with M or C;
 - (c) employment or self-employment;
 - (d) giving notice of an intention to take parental leave under regulations made under section 2 of the Shared Parental Leave and Pay (Extension) Act 2018;
 - (e) other matters as the Secretary of State sees fit.
- (3) Subject to conditions provided for in regulations, M may do work in employment as an earner in the same weeks as P receives a maternity allowance.

- (4) The total amount of a maternity allowance payable under this section must not exceed the total amount that would have been payable to M had she not shared her entitlement to a maternity allowance.
- (5) Regulations may make provision for—
- (a) the amount of the maternity allowance that may be shared; 5
 - (b) the period, in relation to the date of birth of C, for which the maternity allowance may be shared;
 - (c) the receipt by M and P of maternity allowance in a single week;
 - (d) the sharing of maternity allowance over non-continuous periods; 10
 - (e) keeping in touch days.
- (6) Regulations under this section may—
- (a) make different provision for different purposes;
 - (b) make incidental, consequential or supplemental provision (including provision amending provision made by or under an Act, whenever passed or made); 15
 - (c) make transitional or transitory provision or savings.”

2 Entitlement to take parental leave

The Secretary of State must make regulations under section 75E of the Employment Rights Act 1996 to entitle an employee to be absent from work on leave on weeks in which he or she is in receipt of a shared maternity allowance under section 35ZA of the Social Security Contributions and Benefits Act 1992. 20

3 Extent, commencement and short title

- (1) This Act extends to England and Wales, and Scotland.
- (2) Sections 1 and 2 come into force on such day no later than twelve months after the passing of this Act as the Secretary of State may by regulations made by statutory instrument appoint; and different days may be appointed for different purposes. 25
- (3) This Act may be cited as the Shared Parental Leave and Pay (Extension) Act 2018. 30

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To make provision about shared parental leave and pay for workers, including those that are self-employed; and for connected purposes.

*Ordered to be brought in by Tracy Brabin,
Mrs Maria Miller, Mr Edward Vaizey,
Alison Thewliss, Caroline Lucas,
Jo Swinson, Tom Watson,
Kevin Brennan, Emma Reynolds,
Luciana Berger, Rachel Reeves
and Rebecca Long Bailey.*

*Ordered, by The House of Commons,
to be Printed, 21 February 2018.*

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