

# Miscarriage Leave Bill

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[AS INTRODUCED]

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[AS INTRODUCED]

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# BILL

TO

Make provision for paid leave for people who have experienced miscarriage.

**B**E 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 Miscarriage leave and pay

- (1) *The Secretary of State must make regulations under section 80EA (parental bereavement leave) of the Employment Rights Act 1996 to entitle parents who have suffered a miscarriage to three days of paid bereavement leave.*
- (2) The Secretary of State may make regulations under Part 12ZD (statutory parental bereavement pay) of the Social Security Contributions and Benefits Act 1992 in connection with subsection (1). 5
- (3) The Secretary of State must lay before Parliament a draft statutory instrument containing regulations under subsection (1) before the end of the period of 90 days beginning with the day on which this Act is passed. 10
- (4) In this section, “miscarriage” should be read to include ectopic pregnancy and molar pregnancy.

## 2 Amendment of primary legislation

- (1) The Employment Rights Act 1996 is amended in accordance with subsections (2) and (3). 15
- (2) In section 80EA (parental bereavement leave)—
  - (a) at the end of subsection (2), insert “or as to miscarriage”;
  - (b) at the end of subsection (4)(a), insert “or a miscarriage”;
  - (c) at the end of subsection (5), insert “or in respect of a miscarriage, the employee is entitled to at leave three days’ leave”; 20
  - (d) at the end of subsection (6), insert “or the miscarriage”;
  - (e) in subsection (7), after “one child” insert “or miscarriage”;
  - (f) in subsection (7), after “each child” insert “or miscarriage”;
  - (g) in subsection (9), after “stillbirths” insert “, miscarriage, ectopic pregnancy and molar pregnancy”. 25

- (3) In section 80EE (application in relation to stillbirths) –
- (a) in the heading, after “stillbirths” insert “, miscarriage, ectopic pregnancy and molar pregnancy”;
  - (b) after paragraph (b), insert –
    - “(c) references to miscarriage are to be read to mean the loss of a pregnancy that is less than 24 weeks gestation, including ectopic pregnancy and molar pregnancy.”
- (4) *The Social Security Contributions and Benefits Act 1992 is amended in accordance with subsections (5) to (8).*
- (5) In section 171ZZ6 (entitlement) –
- (a) at the end of subsection (3), insert “or as to miscarriage”;
  - (b) at the end of subsection (5), insert “or the miscarriage occurs”;
  - (c) in subsection (6), after “one child” insert “or miscarriage”;
  - (d) in subsection (6), after “each child” insert “or miscarriage”;
  - (e) in subsection (7), after “parent” insert “who experiences miscarriage or”.
- (6) In section 171ZZ9 (rate and period of pay) –
- (a) after subsection (4) insert –
    - “(4A) Notwithstanding sections (2) to (4), regulations may make provision for statutory bereavement pay for parents who have experienced miscarriage, and that provision must secure that the prescribed period of leave is not less than three days.”
  - (b) at the end of subsection (5), insert “or the miscarriage”.
- (7) In section 171ZZ14(1) (supplementary), after “stillbirths” insert “, miscarriage, ectopic pregnancy and molar pregnancy”.
- (8) In section 171ZZ15 (application in relation to stillbirths) –
- (a) in the heading, after “stillbirths” insert “, miscarriage, ectopic pregnancy and molar pregnancy”;
  - (b) after paragraph (b), insert –
    - “(c) references to miscarriage are to be read to mean the loss of a pregnancy that is less than 24 weeks gestation, including ectopic pregnancy and molar pregnancy.”

### 3 Extent, commencement and short title

- (1) This Act extends to England and Wales and Scotland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Miscarriage Leave Act 2021.



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## **B I L L**

TO

Make provision for paid leave for people who have experienced miscarriage.

*Presented by Angela Crawley  
supported by Alyn Smith, Dave Doogan,  
Ms Anum Qaisar, Kirsty Blackman,  
Carol Monaghan and Anne McLaughlin.*

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