

MATERNITY LEAVE

1. In this determination:
 - a) “expected date of birth” means, subject to paragraph (4), the date given in accordance with paragraph (2)(b);
 - b) “maternity leave” means leave up to a maximum of 15 months (“the 15 month period”) taken in accordance with the provisions of this determination by a qualified member of a police force during the maternity period;
 - c) “maternity period”, in relation to such a member, means the period beginning six months before the expected date of birth of the member’s child as given under paragraph (2)(b) or, as the case may be, paragraph (4), and ending twelve months after the date so given; and
 - d) “qualified member” means a member of a police force who qualifies under paragraph (2).

2. Subject to the following provisions of this determination, a female member of a police force qualifies for maternity leave when she has given to the Chief Constable notice stating:
 - a) that she is pregnant;
 - b) the expected date of birth of her child; and
 - c) the date on which she intends to commence maternity leave or, where she proposes to take more than one period of maternity leave, the proposed dates of those periods.

3. A female member of a police force does not qualify for maternity leave where the Chief Constable has requested the production of a certificate from a registered medical practitioner, registered midwife or registered health visitor setting out the matters referred to in paragraph (2)(a) and (b) and she fails to produce such a certificate.

4. Where a certificate produced under paragraph (3) sets out a different week as the expected date of the birth of the child of the female member of a police force from the date given in accordance with paragraph (2)(b), the date given in the certificate shall have effect in place of the date given in the notice.

5. A female member of a police force who is pregnant shall give the notice required by paragraph (2) as soon as reasonably practicable after she becomes aware of the expected date of birth of her child.

6. The date or dates given in accordance with paragraph (2)(c) may be amended by a subsequent notice to the Chief Constable, provided that not less than 21 days' notice is given of the qualified member's intention to return to duty.
7. A qualified member shall commence maternity leave no later than the date given in accordance with paragraph (2)(b) and, subject to paragraphs (8) and (9), the leave shall continue until the last day of the maternity leave.
8. Where a qualified member intends to return to duty before the end of the 15 month period, she shall give to the Chief Constable not less than 21 days' notice of her intention.
9. A notice under paragraph (8) may be subsequently revoked; and any such revocation shall be without prejudice to the giving of another notice under that paragraph of an intention to return to duty before the end of the 15 month period.
10. During any period of maternity leave, a qualified member shall not be entitled to any sick leave under regulation 33(5) and the determination on sick leave thereunder.
11. In paragraph (10) "period of maternity leave" means the period:
- a) beginning on:
 - i) the date given in accordance with paragraph (2)(c) as the date on which the qualified member intends to commence maternity leave or, where she proposes to take more than one period of such leave, the first of those dates, or
 - ii) where that date or, as the case may be, the first of those dates has been amended by a subsequent notice under paragraph (6), that date; and
 - b) ending on:
 - i) where a notice has been given under paragraph (8) and has not been subsequently revoked, the date so given; or
 - ii) where no such notice has been given or remains in force, the last day of the 15 month period.
12. (a) In this determination and determinations made under regulations 22 and 25, "day", in relation to members of a police force, means a period of 24 hours commencing at such time or times as the Chief Constable shall fix and the Chief Constable may fix different times in relation to different groups of members.
- (b) In discharging their functions under sub paragraph (a) above, the Chief Constable shall have regard to the wishes of the joint branch board.
13. This determination has effect from 6th April 2003.

14. This determination has effect from 1st December 1999 to 5th April 2003 with the following modifications:-

(a) in paragraph 1(b) for the definition of maternity leave substitute:-

“maternity leave” means leave taken in accordance with the provisions of this determination by a qualified member of a police force during the maternity period”;

(b) in paragraph 1(c) for “twelve” substitute “nine”;

(c) in paragraph 9 and 11(b)(ii) for “15 month period” substitute “maternity period”;