



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART VI

#### TIME OFF WORK

##### *Public duties*

#### **50 Right to time off for public duties.**

[<sup>F1</sup>(1) An employer shall permit an employee of his who is—

- (a) a justice of the peace, or
- (b) an independent prison monitor appointed in accordance with section 7B(2) of the Prisons (Scotland) Act 1989,

to take time off during the employee's working hours for the purpose of performing any of the duties of the office.]

(2) An employer shall permit an employee of his who is a member of—

- (a) a local authority,
- (b) a statutory tribunal,
- <sup>F2</sup>(c) . . . . .
- (ca) <sup>F3</sup> . . . . .
- (d) [<sup>F4</sup>an independent monitoring board for a prison][<sup>F5</sup>or a prison visiting committee],
- (e) a relevant health body,
- (f) a relevant education body, <sup>F6</sup> . . .
- (g) the Environment Agency or the Scottish Environment Protection Agency, <sup>F7</sup> . . .
- <sup>F8</sup>(h) Scottish Water <sup>F9</sup> . . . , ]
- <sup>F10</sup>(i) a panel of lay observers appointed in accordance with section 81(1)(b) of the Criminal Justice Act 1991,
- (j) a Visiting Committee appointed in accordance with section 152(1) of the Immigration and Asylum Act 1999, or

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- (k) a Visiting Committee appointed by the Secretary of State for a short-term holding facility (within the meaning given by section 147 of the Immigration and Asylum Act 1999).]

to take time off during the employee’s working hours for the purposes specified in subsection (3).

- (3) The purposes referred to in subsection (2) are—
  - (a) attendance at a meeting of the body or any of its committees or sub-committees, and
  - (b) the doing of any other thing approved by the body, or anything of a class so approved, for the purpose of the discharge of the functions of the body or of any of its committees or sub-committees.<sup>F11</sup> and
  - (c) in the case of a local authority which are operating executive arrangements—
    - (i) attendance at a meeting of the executive of that local authority or committee of that executive; and
    - (ii) the doing of any other thing, by an individual member of that executive, for the purposes of the discharge of any function which is to any extent the responsibility of that executive.]
- (4) The amount of time off which an employee is to be permitted to take under this section, and the occasions on which and any conditions subject to which time off may be so taken, are those that are reasonable in all the circumstances having regard, in particular, to—
  - (a) how much time off is required for the performance of the duties of the office or as a member of the body in question, and how much time off is required for the performance of the particular duty,
  - (b) how much time off the employee has already been permitted under this section or sections 168 and 170 of the <sup>M1</sup>Trade Union and Labour Relations (Consolidation) Act 1992 (time off for trade union duties and activities), and
  - (c) the circumstances of the employer’s business and the effect of the employee’s absence on the running of that business.
- (5) In subsection (2)(a) “a local authority” means—
  - (a) a local authority within the meaning of the <sup>M2</sup>Local Government Act 1972,
  - (b) a council constituted under section 2 of the <sup>M3</sup>Local Government etc. (Scotland) Act 1994,
  - (c) the Common Council of the City of London,
  - (d) a National Park authority, or
  - (e) the Broads Authority.
- (6) <sup>F12</sup> .....
- (7) In subsection (2)(d)—
  - (a) <sup>F13</sup> “independent monitoring board” means a board] appointed under section 6(2) of the <sup>M4</sup>Prison Act 1952, and
  - (b) <sup>F14</sup> “a prison visiting committee” means a visiting committee appointed under section 19(3) of the <sup>M5</sup>Prisons (Scotland) Act 1989 or constituted by virtue of rules made under section 39 (as read with section 8(1)) of that Act.]
- (8) In subsection (2)(e) “a relevant health body” means—
  - (za) <sup>F15</sup>NHS England],

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- [<sup>F16</sup>(zb) an integrated care board established under section 14Z25 of the National Health Service Act 2006,]
- (a) a National Health Service trust established under [<sup>F17</sup>section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006] or the <sup>M6</sup>National Health Service (Scotland) Act 1978,
- [<sup>F18</sup>(ab) an NHS foundation trust, ]
- [<sup>F19</sup>(ac) the National Institute for Health and Care Excellence,]
- [<sup>F20</sup>(ad) the Health and Social Care Information Centre,]
- (b) <sup>F21</sup>... [<sup>F22</sup>a][<sup>F23</sup> Local Health Board established under section 11 of the National Health Service (Wales) Act 2006]<sup>F24</sup>... [<sup>F25</sup>, a Special Health Authority established under [<sup>F26</sup>section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006]<sup>F27</sup>...] or
- (c) a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978.
- (9) In subsection (2)(f) “a relevant education body” means—
- (a) a managing or governing body of an educational establishment maintained by a [<sup>F28</sup>local authority (as defined in section 579(1) of the Education Act 1996)],
- [<sup>F29</sup>(b) a further education corporation, sixth form college corporation or higher education corporation,]
- (c) a school council appointed under section 125(1) of the <sup>M7</sup>Local Government (Scotland) Act 1973,
- [<sup>F30</sup>(d) a parent council within the meaning of section 5(2) of the Scottish Schools (Parental Involvement) Act 2006 <sup>M8</sup>, ]
- [<sup>F31</sup>(e) a board of management of a self-governing school within the meaning of section 135(1) of the <sup>M9</sup> Education (Scotland) Act 1980, ]
- (f) a board of management of a college of further education within the meaning of section 36(1) of the <sup>M10</sup>Further and Higher Education (Scotland) Act 1992,
- (g) a governing body of a central institution within the meaning of section 135(1) of the Education (Scotland) Act 1980, <sup>F32</sup>...
- (h) a governing body of a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992.
- [<sup>F33</sup>(i) <sup>F34</sup>... or
- (j) the General Teaching Council for Wales.]
- [<sup>F35</sup>(9A) In subsection (3)(c) of this section “executive” and “executive arrangements” have the same meaning as in Part II of the Local Government Act 2000.]
- [<sup>F36</sup>(9B) In subsection (9)(b) “ further education corporation ”, “ sixth form college corporation ” and “ higher education corporation ” have the same meanings as in the Further and Higher Education Act 1992. ]
- (10) The Secretary of State may by order—
- (a) modify the provisions of subsections (1) and (2) and (5) to (9) by adding any office or body, removing any office or body or altering the description of any office or body, or
- (b) modify the provisions of subsection (3).
- (11) For the purposes of this section the working hours of an employee shall be taken to be any time when, in accordance with his contract of employment, the employee is required to be at work.

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### Textual Amendments

- F1** S. 50(1) substituted (1.10.2018) by [The Time Off for Public Duties Order 2018 \(S.I. 2018/665\)](#), arts. 1, **2(a)**
- F2** S. 50(2)(c) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 219**; S.I. 2012/2892, art. 2(i)
- F3** S. 50(2)(ca) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, **Sch. 4 para. 86**, **Sch. 17**; S.I. 2006/378, art. 4(1), **Sch.** (subject to art. 4(2)-(7))
- F4** Words in s. 50(2)(d) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), ss. 39, 41(1), **Sch. 3 para. 8(a)**; S.I. 2007/3001, **art. 2(1)(p)(r)**
- F5** Words in s. 50(2)(d) repealed (S.) (31.8.2015) by [The Public Services Reform \(Inspection and Monitoring of Prisons\) \(Scotland\) Order 2015 \(S.S.I. 2015/39\)](#), art. 1, **Sch. para. 5(a)**
- F6** Word at end of s. 50(2)(f) omitted (14.8.2000) by virtue of S.I. 2000/1737, **art. 2(a)**
- F7** Word in s. 50(2) omitted (1.10.2018) by virtue of [The Time Off for Public Duties Order 2018 \(S.I. 2018/665\)](#), arts. 1, **2(b)(i)**
- F8** S. 50(2)(h) substituted (14.7.2004) by [The Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\)](#), art. 2, **Sch. para. 18**
- F9** Words in s. 50(2)(h) omitted (28.10.2011) by virtue of [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications of Enactments\) Order 2011 \(S.I. 2011/2581\)](#), art. 2, **Sch. 3 para. 2**
- F10** S. 50(2)(i)-(k) inserted (1.10.2018) by [The Time Off for Public Duties Order 2018 \(S.I. 2018/665\)](#), arts. 1, **2(b)(ii)**
- F11** S. 50(3)(c) and preceding word inserted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, art. 30(a) and S.I. 2002/808, **art. 29(a)**
- F12** S. 50(6) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, **Sch. 15 Pt. 1(B)**; S.I. 2007/709, **art. 3(s)(i)**
- F13** Words in s. 50(7)(a) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), ss. 39, 41(1), **Sch. 3 para. 8(b)**; S.I. 2007/3001, **art. 2(1)(p)(r)**
- F14** S. 50(7)(b) repealed (S.) (31.8.2015) by [The Public Services Reform \(Inspection and Monitoring of Prisons\) \(Scotland\) Order 2015 \(S.S.I. 2015/39\)](#), art. 1, **Sch. para. 5(b)**
- F15** Words in s. 50 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 1 para. 1(1)(2)**; S.I. 2022/734, **reg. 2(a)**, **Sch.** (with regs. 13, 29, 30)
- F16** S. 50(8)(zb) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 48**; S.I. 2022/734, **reg. 2(a)**, **Sch.** (with regs. 13, 29, 30)
- F17** Words in s. 50(8)(a) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8(2), **Sch. 1 para. 179(a)** (with **Sch. 3 Pt. 1**)
- F18** S. 50(8)(ab) inserted (1.4.2004 for E.W.) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 34, 199(1)(4), **Sch. 4 para. 100**; S.I. 2004/759, **art. 2** (as amended by S.I. 2006/836 and S.I. 2007/1102)
- F19** S. 50(8)(ac) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 17 para. 6(2)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F20** S. 50(8)(ad) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 19 para. 6(2)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F21** Words in s. 50(8)(b) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 74(b)(i)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F22** Words in s. 50(8)(b) originally substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8(2), **Sch. 1 para. 179(b)(i)** (with **Sch. 3 Pt. 1**)
- F23** Words in s. 50(8)(b) substituted (1.4.2007) by virtue of [The References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), art. 3, **Sch. para. 27(3)**
- F24** Words in s. 50(8)(b) omitted (1.3.2007) by virtue of [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8(2), **Sch. 1 para. 179(b)(ii)** (with **Sch. 3 Pt. 1**)
- F25** Words in s. 50(8)(b) substituted (8.2.2000) by S.I. 2000/90, art. 3, **Sch. 1 para. 30(2)** (with s. 2(5))

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- F26** Words in s. 50(8)(b) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 179(b)(iii)** (with Sch. 3 Pt. 1)
- F27** Words in s. 50(8)(b) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 74(b)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F28** Words in s. 50(9)(a) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 41(2)**
- F29** S. 50(9)(b) substituted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a), **Sch. 1 para. 96(a)**
- F30** S. 50(9)(d) substituted (1.8.2007) by The Time Off for Public Duties (Parent Councils) Order 2007 (S.I. 2007/1837), **art. 2**
- F31** S. 50(9)(e) repealed (S.) (31.12.2004) by 2000 asp 6, ss. 60(2), 61, Sch. 3; S.S.I. 2004/528, **art. 2(b)**
- F32** Word in s. 50(9) after para. (g) omitted (5.10.2000) by virtue of S.I. 2000/2463, **art. 2(2)**
- F33** S. 50(9)(i)(j) inserted (5.10.2000) by S.I. 2000/2463, 2(3)
- F34** S. 50(9)(i) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 24**; S.I. 2012/924, **art. 2**
- F35** S. 50(9A) inserted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, art. 30(b) and S.I. 2002/808, **art. 29(b)**
- F36** S. 50(9B) inserted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a), **Sch. 1 para. 96(b)**

#### Modifications etc. (not altering text)

- C1** S. 50(3) applied (1.4.1998) by S.I. 1998/633, **art. J12(2)**
- C2** S. 50(4) excluded (1.4.1998) by S.I. 1998/633, **art. J12(1)**

#### Marginal Citations

- M1** 1992 c. 52.
- M2** 1972 c. 70.
- M3** 1994 c. 39.
- M4** 1952 c. 52.
- M5** 1989 c. 45.
- M6** 1978 c. 29.
- M7** 1973 c. 65.
- M8** 2006 asp 8.
- M9** 1980 c. 44.
- M10** 1992 c. 37.

## 51 Complaints to [<sup>F37</sup>employment tribunals].

- (1) An employee may present a complaint to an [<sup>F37</sup>employment tribunal] that his employer has failed to permit him to take time off as required by section 50.
- (2) An [<sup>F37</sup>employment tribunal] shall not consider a complaint under this section that an employer has failed to permit an employee to take time off unless it is presented—
  - (a) before the end of the period of three months beginning with the date on which the failure occurred, or
  - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

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[<sup>F38</sup>(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).]

- (3) Where an [<sup>F37</sup>employment tribunal] finds a complaint under this section well-founded, the tribunal—
- (a) shall make a declaration to that effect, and
  - (b) may make an award of compensation to be paid by the employer to the employee.
- (4) The amount of the compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
- (a) the employer’s default in failing to permit time off to be taken by the employee, and
  - (b) any loss sustained by the employee which is attributable to the matters to which the complaint relates.

#### Textual Amendments

- F37** Words in s. 51(1)-(3) and sidenote to s. 51 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a)(b) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1
- F38** S. 51(2A) substituted (31.12.2020) by The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469), reg. 1(1), Sch. 1 para. 12(6) (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

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