Employment Rights Act 1996

1996 CHAPTER 18

PART VI

TIME OFF WORK

Public duties

50 Right to time off for public duties.

(1) An employer shall permit an employee of his who is a justice of the peace to take time off during the employee's working hours for the purpose of performing any of the duties of his office.

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

(a) a local authority,

(b) a statutory tribunal,

(c) a police authority,

[[F1](ca) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad,**]**

(d) a board of prison visitors or a prison visiting committee,

(e) a relevant health body,

(f) a relevant education body, [F2]. . .

(g) the Environment Agency or the Scottish Environment Protection Agency, **[**[F3]or**]**

[[F3]**[**[F4](h) Scottish Water or a Water Customer Consultation Panel,**]]**

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

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(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 **[**[F5]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 [M1]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 [M2]Local Government Act 1972,

(b) a council constituted under section 2 of the [M3]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) The reference in subsection (2) to a member of a police authority is to a person appointed as such a member under Schedule 2 to the [M4]Police Act 1996.

(7) In subsection (2)(d)—

(a) "a board of prison visitors" means a board of visitors appointed under section 6(2) of the [M5]Prison Act 1952, and

(b) "a prison visiting committee" means a visiting committee appointed under section 19(3) of the [M6]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—

(a) a National Health Service trust established under Part I of the [M7]National Health Service and Community Care Act 1990 or the [M8]National Health Service (Scotland) Act 1978,

[[F6](ab) an NHS foundation trust,**]**

(b) a **[**[F7]Strategic Health Authority or**]** Health Authority established under section 8 of the [M9]National Health Service Act 1977 **[**[F8], a Special Health Authority established under section 11 of that Act or a Primary Care Trust established under section 16A of that Act**]**, 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 local education authority,

(b) a governing body of a [F9]. . . further education corporation or higher education corporation,

(c) a school council appointed under section 125(1) of the [M10]Local Government (Scotland) Act 1973,

(d) a school board within the meaning of section 1(1) of the [M11]School Boards (Scotland) Act 1988,

(e) a board of management of a self-governing school within the meaning of section 135(1) of the [M12]Education (Scotland) Act 1980,

(f) a board of management of a college of further education within the meaning of section 36(1) of the [M13]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, [F10]. . .

(h) a governing body of a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992.

[[F11](i) the General Teaching Council for England, or

(j) the General Teaching Council for Wales.**]**

[[F12](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.**]**

(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.

Textual Amendments

F1 S. 50(2)(ca) inserted (23.7.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 88**; S.I. 1997/1377, **art. 4(2)(o)(r)**

F2 Word at end of s. 50(2)(f) omitted (14.8.2000) by virtue of S.I. 2000/1737, **art. 2(a)**

F3 S. 50(2)(h) and the word "or" immediately preceding it added (14.8.2000) by S.I. 2000/1737, **art. 2(b)(c)**

F4 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**

F5 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)**

F6 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)

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F7 Words in s. 50(8)(b) inserted (1.10.2002) by The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), reg. 4, **Sch. 1 Pt. 1 para. 22(2)**

F8 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)

F9 Words in s. 50(9)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F10 Word in s. 50(9) after para. (g) omitted (5.10.2000) by virtue of S.I. 2000/2463, **art. 2(2)**

F11 S. 50(9)(i)(j) inserted (5.10.2000) by S.I. 2000/2463, 2(3)

F12 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)**

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 1996 c. 16.

M5 1952 c. 52.

M6 1989 c. 45.

M7 1990 c. 19.

M8 1978 c. 29.

M9 1977 c. 49.

M10 1973 c. 65.

M11 1988 c. 47.

M12 1980 c. 44.

M13 1992 c. 37.

51 Complaints to [F13employment tribunals].

(1) An employee may present a complaint to an **[**F13employment tribunal**]** that his employer has failed to permit him to take time off as required by section 50.

(2) An **[**F13employment 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.

(3) Where an **[**F13employment 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—

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(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

F13 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**

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