



Employment Rights Act 1996

1996 CHAPTER 18

PART VI

TIME OFF WORK

Employee representatives

VALID FROM 01/09/1999

^{F1}
^{F2} **63B** **Right to remuneration for time off under section 63A.**

- (1) An employee who is permitted to take time off under section 63A is entitled to be paid remuneration by his employer for the time taken off at the appropriate hourly rate.
- (2) The appropriate hourly rate, in relation to an employee, is the amount of one week's pay divided by the number of normal working hours in a week for that employee when employed under the contract of employment in force on the day when the time off is taken.
- (3) But where the number of normal working hours differs from week to week or over a longer period, the amount of one week's pay shall be divided instead by—
 - (a) the average number of normal working hours calculated by dividing by twelve the total number of the employee's working hours during the period of twelve weeks ending with the last complete week before the day on which the time off is taken, or
 - (b) where the employee has not been employed for a sufficient period to enable the calculation to be made under paragraph (a), a number which fairly represents the number of normal working hours in a week having regard to such of the considerations specified in subsection (4) as are appropriate in the circumstances.
- (4) The considerations referred to in subsection (3)(b) are—

Status: Point in time view as at 01/11/1996. This version of this provision is not valid for this point in time.

Changes to legislation: Employment Rights Act 1996, Section 63B is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the average number of normal working hours in a week which the employee could expect in accordance with the terms of his contract, and
 - (b) the average number of normal working hours of other employees engaged in relevant comparable employment with the same employer.
- (5) A right to any amount under subsection (1) does not affect any right of an employee in relation to remuneration under his contract of employment (“contractual remuneration”).
- (6) Any contractual remuneration paid to an employee in respect of a period of time off under section 63A goes towards discharging any liability of the employer to pay remuneration under subsection (1) in respect of that period; and, conversely, any payment of remuneration under subsection (1) in respect of a period goes towards discharging any liability of the employer to pay contractual remuneration in respect of that period.]]

Textual Amendments

- F1** Ss. 57ZA-57ZD and heading inserted (1.10.2011) by [The Agency Workers Regulations 2010 \(S.I. 2010/93\)](#), Reg. 25, **Sch. 2 para. 93**
- F2** Ss. 63B, 63C inserted (1.9.1999) by [1998 c. 30, s. 33](#) (with s. 42(8)); S.I. 1999/987, **art. 2**

Status:

Point in time view as at 01/11/1996. This version of this provision is not valid for this point in time.

Changes to legislation:

Employment Rights Act 1996, Section 63B is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.