
Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2016, Paragraph 6. (See end of Document for details)

SCHEDULES

SCHEDULE 5 **U.K.**

SUNDAY WORKING

Employment Rights Act 1996

6 After section 43 (in Part 4) insert—

“43ZA Contractual requirements relating to working additional hours on Sundays: objection notices

- (1) Where a shop worker gives to his or her employer an objection notice, any agreement entered into between the shop worker and the employer becomes unenforceable to the extent that—
 - (a) it requires the shop worker to do shop work for additional hours on Sunday after the end of the relevant period, or
 - (b) it requires the employer to provide the shop worker with shop work for additional hours on Sunday after the end of that period.
- (2) The “relevant period” is—
 - (a) in the case of a shop worker who is or may be required to do shop work in or about a large shop, the period of one month beginning with the day on which the objection notice is given;
 - (b) in any other case, the period of three months beginning with that day.

This subsection is subject to section 41D(3).

- (3) A shop worker who has given an objection notice may revoke the notice by giving a further written notice to the employer.
- (4) Where—
 - (a) a shop worker gives to the employer a notice under subsection (3), and
 - (b) after giving the notice the shop worker expressly agrees with the employer to do shop work for additional hours on Sunday (whether on Sundays generally or on a particular Sunday),the contract of employment between the shop worker and the employer is to be taken to be varied to the extent necessary to give effect to the terms of the agreement.
- (5) The reference in subsection (1) to any agreement—
 - (a) includes the contract of employment under which the shop worker is employed immediately before giving the objection notice;
 - (b) includes an agreement of a kind mentioned in subsection (4), or a contract of employment as taken to be varied under that subsection,

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only if an objection notice is given in relation to the working of additional hours under that agreement or contract as varied.

43ZB Interpretation

(1) In this Part—

“additional hours” has the meaning given in section 41A(2);

“large shop” means a shop which has a relevant floor area exceeding 280 square metres;

“objection notice” has the meaning given in section 41A(2);

“regulations” means regulations made by the Secretary of State.

(2) In the definition of “large shop” in subsection (1)—

(a) “shop” means any premises where there is carried on a trade or business consisting wholly or mainly of the sale of goods;

(b) “relevant floor area” means the internal floor area of so much of the large shop in question as consists of or is comprised in a building.

(3) For the purposes of subsection (2), any part of the shop which is not used for the serving of customers in connection with the sale or display of goods is to be disregarded.

(4) The references in subsections (2) and (3) to the sale of goods does not include—

(a) the sale of meals, refreshments or alcohol (within the meaning of the Licensing Act 2003 or, in relation to Scotland, the Licensing (Scotland) Act 2005 (asp 16)) for consumption on the premises on which they are sold, or

(b) the sale of meals or refreshments prepared to order for immediate consumption off those premises.”

Commencement Information

II Sch. 5 in force at Royal Assent for specified purposes, see s. 44(1)(d)

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