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STATUTORY INSTRUMENTS

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**2010 No. 800**

**EMPLOYMENT AND TRAINING**

**The Employee Study and Training (Qualifying Period of Employment) Regulations 2010**

*Made* - - - - *15th March 2010*

*Coming into force* - - *6th April 2010*

The Secretary of State for Business, Innovation and Skills makes these Regulations in exercise of the power conferred by section 63D(6)(a) of the Employment Rights Act 1996(1) (“the Act”).

A draft of these Regulations was laid before Parliament in accordance with section 236(3) of the Act(2) and approved by resolution of each House of Parliament.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Employee Study and Training (Qualifying Period of Employment) Regulations 2010 and come into force on 6th April 2010.

(2) In these Regulations, “the 1996 Act” means the Employment Rights Act 1996.

**Duration of employment**

2.—(1) For the purposes of section 63D(6) of the 1996 Act, in order to be a qualifying employee, an employee must have been continuously employed for a period of not less than 26 weeks.

(2) In paragraph (1), a period of continuous employment means a period computed in accordance with Chapter 1 of Part 14 of the 1996 Act(3), as if that paragraph were a provision of that Act.

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- (1) 1996 c.18; section 63D was inserted by section 40 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22).
- (2) Section 236(3) was amended by the Employment Relations Act 1999 (c.26), Schedule 4, Part III, paragraphs 5 and 42(1) and (3) and the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), Schedule 1, paragraph 11.
- (3) In Chapter 1 of Part 14 of the 1996 Act, section 211 was amended by 2006/1031. Section 212 was amended by the Employment Relations Act 1999 (c.26), section 44, Schedule 4, Part III, paragraphs 5 and 38 and Schedule 9, Table 2. Section 215 was amended by the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2), Schedule 7, paragraph 21. Section 218 was amended by the Education Act 2002 (c.32), Schedule 21, paragraph 32; the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraphs 177 and 180; the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 4, paragraphs 99 and 101, Schedule 13, paragraph 8 and Schedule 14, Parts 4 and 7; the Health Protection Agency Act 2004 (c.17), Schedule 3, paragraph 13; and S.I. 2000/90, 2002/2469 and 2007/961. Section 219 was amended by the Employment Rights (Dispute Resolution) Act 1998 (c.8), Schedule 1, paragraph 25(2) and (3) and Schedule 2.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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15th March 2010

Kevin Brennan  
Minister for Further Education, Skills,  
Apprenticeships and Consumer Affairs  
Department for Business, Innovation and Skills

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations relate to the right to make an application under section 63D of the Employment Rights Act 1996 (“the 1996 Act”) to enable an employee to spend time undertaking study or training.

The right to make a section 63D application is available to “qualifying employees”. Regulation 2 specifies that employees must have 26 weeks’ continuous service in order to be a qualifying employee.

A full impact assessment of the effect that these Regulations will have on the costs of business is available from the Department for Business, Innovation and Skills, 1 Victoria Street, London, SW1H 0ET.