



Employment Rights Act 1996

1996 CHAPTER 18

PART XIII

MISCELLANEOUS

CHAPTER I

PARTICULAR TYPES OF EMPLOYMENT

Excluded classes of employment

196 Employment outside Great Britain.

- (1) Sections 1 to 7 and sections 86 to 91 do not apply in relation to employment during any period when the employee is engaged in work wholly or mainly outside Great Britain unless—
 - (a) the employee ordinarily works in Great Britain and the work outside Great Britain is for the same employer, or
 - (b) the law which governs his contract of employment is the law of England and Wales or the law of Scotland.
- (2) The provisions to which this subsection applies do not apply to employment where under the employee's contract of employment he ordinarily works outside Great Britain.
- (3) Subsection (2) applies to—
 - (a) in Part I, sections 8 to 10,
 - (b) Parts II, III and V,
 - (c) Part VI, apart from sections 58 to 60,
 - (d) Parts VII and VIII,
 - (e) in Part IX, sections 92 and 93, and
 - (f) (subject to subsection (4)) Part X.

Status: Point in time view as at 22/08/1996.

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- (4) Part X applies to employment where under her contract of employment the employee ordinarily works outside Great Britain if—
 - (a) section 84 applies to her dismissal, or
 - (b) she is treated as dismissed by section 96.
- (5) For the purposes of subsections (2) and (4), a person employed to work on board a ship registered in the United Kingdom shall be regarded as a person who under his contract ordinarily works in Great Britain unless—
 - (a) the ship is registered at a port outside Great Britain,
 - (b) the employment is wholly outside Great Britain, or
 - (c) the person is not ordinarily resident in Great Britain.
- (6) An employee—
 - (a) is not entitled to a redundancy payment if he is outside Great Britain on the relevant date unless under his contract of employment he ordinarily worked in Great Britain, and
 - (b) is not entitled to a redundancy payment if under his contract of employment he ordinarily works outside Great Britain unless on the relevant date he is in Great Britain in accordance with instructions given to him by his employer.
- (7) Part XII does not apply to employment where, under the employee's contract of employment, he ordinarily works outside the territory of the member States of the European Communities and of Norway and Iceland.

197 Fixed-term contracts.

- (1) Part X does not apply to dismissal from employment under a contract for a fixed term of one year or more if—
 - (a) the dismissal consists only of the expiry of that term without its being renewed, and
 - (b) before the term expires the employee has agreed in writing to exclude any claim in respect of rights under that Part in relation to the contract.
- (2) Subsection (1) does not prevent Part X from applying if the dismissal is regarded as unfair by virtue of section 101.
- (3) An employee employed under a contract of employment for a fixed term of two years or more is not entitled to a redundancy payment in respect of the expiry of that term without its being renewed (whether by the employer or by an associated employer of his) if, before the term expires, the employee has agreed in writing to exclude any right to a redundancy payment in that event.
- (4) An agreement such as is mentioned in subsection (1) or (3) may be contained—
 - (a) in the contract itself, or
 - (b) in a separate agreement.
- (5) Where—
 - (a) an agreement such as is mentioned in subsection (3) is made during the currency of a fixed term, and
 - (b) the term is renewed,

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the agreement shall not be construed as applying to the term as renewed; but this subsection is without prejudice to the making of a further agreement in relation to the renewed term.

198 Short-term employment.

Sections 1 to 7 do not apply to an employee if his employment continues for less than one month.

199 Mariners.

- (1) Sections 1 to 7, Part II and sections 86 to 91 do not apply to a person employed as a seaman in a ship registered in the United Kingdom under a crew agreement the provisions and form of which are of a kind approved by the Secretary of State.
- (2) Sections 8 to 10, Part III, sections 44, 45, 47, 50 to 57 and 61 to 63, Parts VII and VIII, sections 92 and 93 and (subject to subsection (3)) Parts X to XII do not apply to employment as master, or as a member of the crew, of a fishing vessel where the employee is remunerated only by a share in the profits or gross earnings of the vessel.
- (3) Part X applies to employment such as is mentioned in subsection (2) if—
 - (a) section 84 applies to the employee's dismissal, or
 - (b) she is treated as dismissed by section 96,and Part XI applies to employment such as is so mentioned if the employee is treated as dismissed by section 137.
- (4) Sections 8 to 10 and 50 to 54 and Part XII do not apply to employment as a merchant seaman.
- (5) In subsection (4) “employment as a merchant seaman”—
 - (a) does not include employment in the fishing industry or employment on board a ship otherwise than by the owner, manager or charterer of that ship except employment as a radio officer, but
 - (b) subject to that, includes—
 - (i) employment as a master or a member of the crew of any ship,
 - (ii) employment as a trainee undergoing training for the sea service, and
 - (iii) employment in or about a ship in port by the owner, manager or charterer of the ship to do work of the kind ordinarily done by a merchant seaman on a ship while it is in port.
- (6) Section 196(6) does not apply to an employee, and section 197(3) does not apply to a contract of employment, if the employee is—
 - (a) employed as a master or seaman in a British ship, and
 - (b) ordinarily resident in Great Britain.

200 Police officers.

- (1) Sections 8 to 10, Part III, sections 44, 45, 47, 50 to 57 and 61 to 63, Parts VII and VIII, sections 92 and 93, Part X and section 137 do not apply to employment under a contract of employment in police service or to persons engaged in such employment.
- (2) In subsection (1) “police service” means—

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- (a) service as a member of a constabulary maintained by virtue of an enactment, or
- (b) subject to section 126 of the ^{M1}Criminal Justice and Public Order Act 1994 (prison staff not to be regarded as in police service), service in any other capacity by virtue of which a person has the powers or privileges of a constable.

Marginal Citations

M1 1994 c. 33.

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