



Employment Rights Act 1996

1996 CHAPTER 18

PART IV

SUNDAY WORKING FOR SHOP AND BETTING WORKERS

Opting-out of Sunday work

42 Explanatory statement.

- (1) Where a person becomes a shop worker or betting worker to whom section 40 applies, his employer shall, before the end of the period of two months beginning with the day on which that person becomes such a worker, give him a written statement in the prescribed form.
- (2) If—
 - (a) an employer fails to comply with subsection (1) in relation to any shop worker or betting worker, and
 - (b) the shop worker or betting worker, on giving the employer an opting-out notice, becomes an opted-out shop worker or an opted-out betting worker,section 41(3) has effect in relation to the shop worker or betting worker with the substitution for “three months” of “one month”.
- (3) An employer shall not be regarded as failing to comply with subsection (1) in any case where, before the end of the period referred to in that subsection, the shop worker or betting worker has given him an opting-out notice.
- (4) Subject to subsection (6), the prescribed form in the case of a shop worker is as follows—

“ Statutory Rights in Relation to Sunday Shop Work

You have become employed as a shop worker and are or can be required under your contract of employment to do the Sunday work your contract provides for.

Status: Point in time view as at 01/05/2012. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 42 is up to date with all changes known to be in force on or before 06 September 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)

However, if you wish, you can give a notice, as described in the next paragraph, to your employer and you will then have the right not to work in or about a shop on any Sunday on which the shop is open once three months have passed from the date on which you gave the notice.

Your notice must—

be in writing;

be signed and dated by you;

say that you object to Sunday working.

For three months after you give the notice, your employer can still require you to do all the Sunday work your contract provides for. After the three month period has ended, you have the right to complain to an [^{F1}employment tribunal] if, because of your refusal to work on Sundays on which the shop is open, your employer—

dismisses you, or

does something else detrimental to you, for example, failing to promote you.

Once you have the rights described, you can surrender them only by giving your employer a further notice, signed and dated by you, saying that you wish to work on Sunday or that you do not object to Sunday working and then agreeing with your employer to work on Sundays or on a particular Sunday.”

- (5) Subject to subsection (6), the prescribed form in the case of a betting worker is as follows—

“ Statutory Rights in Relation to Sunday Betting Work

You have become employed under a contract of employment under which you are or can be required to do Sunday betting work, that is to say, work—

at a track on a Sunday on which your employer is taking bets at the track, or

in a licensed betting office on a Sunday on which it is open for business.

However, if you wish, you can give a notice, as described in the next paragraph, to your employer and you will then have the right not to do Sunday betting work once three months have passed from the date on which you gave the notice.

Your notice must—

be in writing;

be signed and dated by you;

say that you object to doing Sunday betting work.

For three months after you give the notice, your employer can still require you to do all the Sunday betting work your contract provides for. After the three month period has ended, you have the right to complain to an [^{F1}employment tribunal] if, because of your refusal to do Sunday betting work, your employer—

dismisses you, or

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does something else detrimental to you, for example, failing to promote you.

Once you have the rights described, you can surrender them only by giving your employer a further notice, signed and dated by you, saying that you wish to do Sunday betting work or that you do not object to doing Sunday betting work and then agreeing with your employer to do such work on Sundays or on a particular Sunday.”

- (6) The Secretary of State may by order amend the prescribed forms set out in subsections (4) and (5).

Extent Information

- E1** S. 42, which previously extended to England and Wales only, extends to England and Wales and Scotland from 6.4.2004 by virtue of the amendment to s. 244(2) by [Sunday Working \(Scotland\) Act 2003 \(c. 18\)](#), **ss. 1(5)**, 3; S.I. 2004/958, **art. 2**

Textual Amendments

- F1** Words in s. 42(4)(5) substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, **art. 2(1)**, **Sch. 1**

Modifications etc. (not altering text)

- C1** S. 42(2) modified (E.W.) (1.5.2012) by [Sunday Trading \(London Olympic Games and Paralympic Games\) Act 2012 \(c. 12\)](#), **ss. 2(2)**, 3(1)

Status:

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