



Employment Rights Act 1996

1996 CHAPTER 18

PART IV

SUNDAY WORKING FOR SHOP AND BETTING WORKERS

Opting-out of Sunday work

42 Explanatory statement [^{F1}: betting workers].

(1) Where a person becomes a ^{F2}... 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 ^{F3}... betting worker, and

(b) the ^{F4}... betting worker, on giving the employer an opting-out notice, becomes ^{F5}... an opted-out betting worker,

section 41(3) has effect in relation to the ^{F6}... 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 ^{F7}... betting worker has given him an opting-out notice.

^{F8}(4)

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

Changes to legislation: Employment Rights Act 1996, Section 42 is up to date with all changes known to be in force on or before 26 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) View outstanding changes

“ 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 [^{F9}employment tribunal] if, because of your refusal to do Sunday betting work, 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 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 [^{F10}form] set out in [^{F11}subsection (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 heading inserted (4.5.2016 for specified purposes) by [Enterprise Act 2016 \(c. 12\)](#), s. 44(1)(d), **Sch. 5 para. 4(2)**
- F2** Words in s. 42(1) omitted (4.5.2016 for specified purposes) by virtue of [Enterprise Act 2016 \(c. 12\)](#), s. 44(1)(d), **Sch. 5 para. 4(3)**
- F3** Words in s. 42(2)(a) omitted (4.5.2016 for specified purposes) by virtue of [Enterprise Act 2016 \(c. 12\)](#), s. 44(1)(d), **Sch. 5 para. 4(4)(a)**
- F4** Words in s. 42(2)(b) omitted (4.5.2016 for specified purposes) by virtue of [Enterprise Act 2016 \(c. 12\)](#), s. 44(1)(d), **Sch. 5 para. 4(4)(b)(i)**
- F5** Words in s. 42(2)(b) omitted (4.5.2016 for specified purposes) by virtue of [Enterprise Act 2016 \(c. 12\)](#), s. 44(1)(d), **Sch. 5 para. 4(4)(b)(ii)**

Changes to legislation: *Employment Rights Act 1996, Section 42 is up to date with all changes known to be in force on or before 26 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) View outstanding changes*

- F6** Words in s. 42(2) omitted (4.5.2016 for specified purposes) by virtue of [Enterprise Act 2016 \(c. 12\)](#), s. 44(1)(d), [Sch. 5 para. 4\(4\)\(c\)](#)
- F7** Words in s. 42(3) omitted (4.5.2016 for specified purposes) by virtue of [Enterprise Act 2016 \(c. 12\)](#), s. 44(1)(d), [Sch. 5 para. 4\(5\)](#)
- F8** S. 42(4) omitted (4.5.2016 for specified purposes) by virtue of [Enterprise Act 2016 \(c. 12\)](#), s. 44(1)(d), [Sch. 5 para. 4\(6\)](#)
- F9** 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](#)
- F10** Word in s. 42(6) substituted (4.5.2016 for specified purposes) by [Enterprise Act 2016 \(c. 12\)](#), s. 44(1)(d), [Sch. 5 para. 4\(7\)\(a\)](#)
- F11** Words in s. 42(6) substituted (4.5.2016 for specified purposes) by [Enterprise Act 2016 \(c. 12\)](#), s. 44(1)(d), [Sch. 5 para. 4\(7\)\(b\)](#)

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)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 8 Ch. 5 inserted by [2023 c. 20 Sch. para. 2](#)
- Pt. 8A Ch. 1 heading inserted by [2023 c. 46 s. 1\(3\)](#)
- Pt. 8A Ch. 2 inserted by [2023 c. 46 s. 1\(4\)](#)
- Pt. 8A Ch. 3 inserted by [2023 c. 46 s. 2](#)
- Pt. 8A Ch. 4 inserted by [2023 c. 46 s. 3\(2\)](#)
- s. 43K(1)(ca) and word omitted by [2013 c. 24 s. 20\(5\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 43K(2)(ba) omitted by [2013 c. 24 s. 20\(6\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 47C(2)(cc) inserted by [2023 c. 20 Sch. para. 22](#)
- s. 47H inserted by [2020 c. 7 Sch. 7 para. 9](#)
- s. 47AA inserted by [2008 c. 25 s. 37](#)
- s. 47EA inserted by [2023 c. 46 Sch. para. 4](#)
- s. 47EB inserted by [2023 c. 46 Sch. para. 5](#)
- s. 48(1C) inserted by [2020 c. 7 Sch. 7 para. 10\(a\)](#)
- s. 48(1C) inserted by [2023 c. 46 Sch. para. 6\(2\)](#)
- s. 48(1D) inserted by [2023 c. 46 Sch. para. 6\(3\)](#)
- s. 49(8) inserted by [2020 c. 7 Sch. 7 para. 11\(b\)](#)
- s. 49(8) inserted by [2023 c. 46 Sch. para. 7\(4\)](#)
- s. 49C inserted by [2017 c. 16 s. 32\(4\)](#)
- s. 75I(3)(g) and word inserted by [2023 c. 20 Sch. para. 23\(b\)](#)
- s. 80A(6A) inserted by [2024 c. 17 s. 1\(2\)](#)
- s. 80B(6C) inserted by [2024 c. 17 s. 1\(3\)](#)
- s. 80C(2)(bc) inserted by [2023 c. 20 Sch. para. 24\(2\)](#)
- s. 80C(4)(bc) inserted by [2023 c. 20 Sch. para. 24\(3\)](#)
- s. 80D(1A) inserted by [2024 c. 17 s. 1\(4\)\(a\)](#)
- s. 80D(3) inserted by [2024 c. 17 s. 1\(4\)\(c\)](#)
- s. 80EB(2)(f) and word inserted by [2023 c. 20 Sch. para. 25\(b\)](#)
- s. 99(3)(cc) inserted by [2023 c. 20 Sch. para. 28](#)
- s. 101B inserted by [2008 c. 25 s. 38](#)
- s. 104H inserted by [2020 c. 7 Sch. 7 para. 14](#)
- s. 104CA inserted by [2023 c. 46 Sch. para. 9](#)
- s. 105(4B) inserted by [2008 c. 25 s. 39\(3\)](#)
- s. 105(7BC) inserted by [2020 c. 7 Sch. 7 para. 15](#)
- s. 105(7BAA) inserted by [2023 c. 46 Sch. para. 10](#)
- s. 108(3)(gia) inserted by [2023 c. 46 Sch. para. 11](#)
- s. 108(3)(de) inserted by [2008 c. 25 s. 39\(4\)](#)
- s. 108(3)(gn) inserted by [2020 c. 7 Sch. 7 para. 16](#)
- s. 110(3A) inserted by [2002 c. 22 s. 44](#)
- s. 205A(2)(ba) inserted by [2023 c. 46 Sch. para. 16\(2\)](#)
- s. 205A(8A) inserted by [2023 c. 46 Sch. para. 16\(3\)](#)
- s. 225(7)(8) inserted by [2023 c. 46 Sch. para. 17](#)

– s. 227(1)(zb)(zc) inserted by [2023 c. 46 Sch. para. 18](#)