



Employment Rights Act 1996

1996 CHAPTER 18

PART VI

TIME OFF WORK

Public duties

50 Right to time off for public duties.

- (1) An employer shall permit an employee of his who is a justice of the peace to take time off during the employee's working hours for the purpose of performing any of the duties of his office.
- (2) An employer shall permit an employee of his who is a member of—
 - (a) a local authority,
 - (b) a statutory tribunal,
 - (c) a police authority,
 - [^{F1}(ca) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad,]
 - (d) a board of prison visitors or a prison visiting committee,
 - (e) a relevant health body,
 - (f) a relevant education body, ^{F2} . . .
 - (g) the Environment Agency or the Scottish Environment Protection Agency, [^{F3}or]
 - [^{F3}(h) a water and sewerage authority established under section 62(1) of the Local Government etc. (Scotland) Act 1994 ^{F4} or a Water Industry Consultative Committee established under section 67A(2) of that Act.]to take time off during the employee's working hours for the purposes specified in subsection (3).
- (3) The purposes referred to in subsection (2) are—

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- (a) attendance at a meeting of the body or any of its committees or sub-committees, and
 - (b) the doing of any other thing approved by the body, or anything of a class so approved, for the purpose of the discharge of the functions of the body or of any of its committees or sub-committees [^{F5}and
 - (c) in the case of a local authority which are operating executive arrangements—
 - (i) attendance at a meeting of the executive of that local authority or committee of that executive; and
 - (ii) the doing of any other thing, by an individual member of that executive, for the purposes of the discharge of any function which is to any extent the responsibility of that executive.]
- (4) The amount of time off which an employee is to be permitted to take under this section, and the occasions on which and any conditions subject to which time off may be so taken, are those that are reasonable in all the circumstances having regard, in particular, to—
- (a) how much time off is required for the performance of the duties of the office or as a member of the body in question, and how much time off is required for the performance of the particular duty,
 - (b) how much time off the employee has already been permitted under this section or sections 168 and 170 of the ^{M1}Trade Union and Labour Relations (Consolidation) Act 1992 (time off for trade union duties and activities), and
 - (c) the circumstances of the employer’s business and the effect of the employee’s absence on the running of that business.
- (5) In subsection (2)(a) “a local authority” means—
- (a) a local authority within the meaning of the ^{M2}Local Government Act 1972,
 - (b) a council constituted under section 2 of the ^{M3}Local Government etc. (Scotland) Act 1994,
 - (c) the Common Council of the City of London,
 - (d) a National Park authority, or
 - (e) the Broads Authority.
- (6) The reference in subsection (2) to a member of a police authority is to a person appointed as such a member under Schedule 2 to the ^{M4}Police Act 1996.
- (7) In subsection (2)(d)—
- (a) “a board of prison visitors” means a board of visitors appointed under section 6(2) of the ^{M5}Prison Act 1952, and
 - (b) “a prison visiting committee” means a visiting committee appointed under section 19(3) of the ^{M6}Prisons (Scotland) Act 1989 or constituted by virtue of rules made under section 39 (as read with section 8(1)) of that Act.
- (8) In subsection (2)(e) “a relevant health body” means—
- (a) a National Health Service trust established under Part I of the ^{M7}National Health Service and Community Care Act 1990 or the ^{M8}National Health Service (Scotland) Act 1978,
 - (b) a [^{F6}Strategic Health Authority or] Health Authority established under section 8 of the ^{M9}National Health Service Act 1977 [^{F7}, a Special Health Authority established under section 11 of that Act or a Primary Care Trust established under section 16A of that Act], or

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- (c) a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978.
- (9) In subsection (2)(f) “a relevant education body” means—
- (a) a managing or governing body of an educational establishment maintained by a local education authority,
 - (b) a governing body of a ^{F8} . . . further education corporation or higher education corporation,
 - (c) a school council appointed under section 125(1) of the ^{M10}Local Government (Scotland) Act 1973,
 - (d) a school board within the meaning of section 1(1) of the ^{M11}School Boards (Scotland) Act 1988,
 - (e) a board of management of a self-governing school within the meaning of section 135(1) of the ^{M12}Education (Scotland) Act 1980,
 - (f) a board of management of a college of further education within the meaning of section 36(1) of the ^{M13}Further and Higher Education (Scotland) Act 1992,
 - (g) a governing body of a central institution within the meaning of section 135(1) of the Education (Scotland) Act 1980, ^{F9} . . .
 - (h) a governing body of a designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992.
- [^{F10}(i) the General Teaching Council for England, or
(j) the General Teaching Council for Wales.]
- [^{F11}(9A) In subsection (3)(c) of this section “executive” and “executive arrangements” have the same meaning as in Part II of the Local Government Act 2000.]
- (10) The Secretary of State may by order—
- (a) modify the provisions of subsections (1) and (2) and (5) to (9) by adding any office or body, removing any office or body or altering the description of any office or body, or
 - (b) modify the provisions of subsection (3).
- (11) For the purposes of this section the working hours of an employee shall be taken to be any time when, in accordance with his contract of employment, the employee is required to be at work.

Textual Amendments

- F1** S. 50(2)(ca) inserted (23.7.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 88**; S.I. 1997/1377, **art. 4(2)(o)(r)**
- F2** Word at end of s. 50(2)(f) omitted (14.8.2000) by virtue of S.I. 2000/1737, **art. 2(a)**
- F3** S. 50(2)(h) and the word "or" immediately preceding it added (14.8.2000) by S.I. 2000/1737, **art. 2(b)(c)**
- F4** 1994 c. 39; section 67A of the Local Government etc (Scotland) Act was inserted by section 12(1) of the [Water Industry Act 1999 \(c. 9\)](#).
- F5** S. 50(3)(c) and preceding word inserted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, **art. 30(a)** and S.I. 2002/808, **art. 29(a)**
- F6** Words in s. 50(8)(b) inserted (1.10.2002) by [The National Health Service Reform and Health Care Professions Act 2002 \(Supplementary, Consequential etc. Provisions\) Regulations 2002 \(S.I. 2002/2469\)](#), reg. 4, **Sch. 1 Pt. 1 para. 22(2)**
- F7** Words in s. 50(8)(b) substituted (8.2.2000) by S.I. 2000/90, **art. 3, Sch. 1 para. 30(2)** (with s. 2(5))

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- F8** Words in s. 50(9)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F9** Word in s. 50(9) after para. (g) omitted (5.10.2000) by virtue of S.I. 2000/2463, **art. 2(2)**
- F10** S. 50(9)(i)(j) inserted (5.10.2000) by S.I. 2000/2463, 2(3)
- F11** S. 50(9A) inserted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, art. 30(b) and S.I. 2002/808, **art. 29(b)**

Modifications etc. (not altering text)

- C1** S. 50(3) applied (1.4.1998) by S.I. 1998/633, **art. J12(2)**
- C2** S. 50(4) excluded (1.4.1998) by S.I. 1998/633, **art. J12(1)**

Marginal Citations

- M1** 1992 c. 52.
- M2** 1972 c. 70.
- M3** 1994 c. 39.
- M4** 1996 c. 16.
- M5** 1952 c. 52.
- M6** 1989 c. 45.
- M7** 1990 c. 19.
- M8** 1978 c. 29.
- M9** 1977 c. 49.
- M10** 1973 c. 65.
- M11** 1988 c. 47.
- M12** 1980 c. 44.
- M13** 1992 c. 37.

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