



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART XIII

#### MISCELLANEOUS

#### CHAPTER I

##### PARTICULAR TYPES OF EMPLOYMENT

##### *Excluded classes of employment*

<sup>F1</sup>196 .....

#### Textual Amendments

<sup>F1</sup> S. 196 repealed (25.10.1999) by 1999 c. 26, ss. 32(3), 44, **Sch. 9(9)**; S.I. 1999/2830, art. 2(1)(3), Sch. 1 Pt. I, **Sch. 2 Pt. I** (with Sch. 3 para. 7(2))

**197 Fixed-term contracts.**

[<sup>F2F3</sup>(1) .....

<sup>F3</sup>(2) .....

(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 <sup>F4</sup>. . . (3) may be contained—

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- (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,
- 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.]

**Textual Amendments**

**F2** S. 197 ceased to have effect (1.10.2002) by virtue of The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (S.I. 2002/2034), reg. 11, **Sch. 2 Pt. 1 para. 3(15)** (with regs. 13-20 and subject to transitional provisions in Sch. 2 Pt. 2)

**F3** S. 197(1)(2) repealed (25.10.1999) by 1999 c. 26, ss. 18(1), 44, **Sch. 9(3)**; S.I. 1999/2830, art. 2(1)(3), Sch. 1 Pt. I, **Sch. 2 Pt. I** (with Sch. 3 para. 2(2))

**F4** Words in s. 197(4) repealed (25.10.1999) by 1999 c. 26, s. 44, **Sch. 9(3)**; S.I. 1999/2830, art. 2(3), **Sch. 2 Pt. I**

**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, [F547C, [F6[F747E], [F847F,]] 50 to 57B] and 61 to 63, [F9Parts [F106A,] 7, 8 and 8A], sections 92 and 93 and F11 . . . 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.

F12(3) . . . . .

- (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

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(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) <sup>F13</sup> .....

[<sup>F14</sup>(7) The provisions mentioned in subsection (8) apply to employment on board a ship registered in the register maintained under section 8 of the Merchant Shipping Act 1995 if and only if—

- (a) the ship's entry in the register specifies a port in Great Britain as the port to which the vessel is to be treated as belonging,
- (b) under his contract of employment the person employed does not work wholly outside Great Britain, and
- (c) the person employed is ordinarily resident in Great Britain.

<sup>F14</sup>(8) The provisions are—

- (a) sections 8 to 10,
- (b) Parts II, III and V,
- (c) Part VI, apart from sections 58 to 60,
  - [ Parts [<sup>F16</sup>6A,] 7, 8 and 8A,]
- <sup>F15</sup>(d)
- (e) sections 92 and 93, and
- (f) Part X.]

#### Textual Amendments

- F5** Words in s. 199(2) substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 34(a)**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with Sch. 3 paras. 8, 10, 11)
- F6** Word in s. 199(2) inserted (6.4.2003) by Employment Act 2002 (c. 22), s. 53, **Sch. 7 para. 44(2)(a)**; S.I. 2002/2866, art. 2(3), Sch. 1 Pt. 3
- F7** Word in s. 199(2) substituted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 41(8), 59(2)-(4); S.I. 2005/872, arts. 4, 5, Sch. (subject to arts. 6-12)
- F8** Words in s. 199(2) inserted (6.4.2010 for certain purposes and otherwise prosp.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 40, 269(4), **Sch. 1 para. 7(a)**; S.I. 2010/303, art. 4, Sch. 3 (with arts. 8-14) (as amended by S.I. 2010/1151, art. 22)
- F9** Words in s. 199(2) substituted (6.4.2003) by Employment Act 2002 (c. 22), s. 53, **Sch. 7 para. 44(2)(b)**; S.I. 2002/2866, art. 2(3), Sch. 1 Pt. 3
- F10** Words in s. 199(2) inserted (6.4.2010 for certain purposes and otherwise prosp.) by virtue of Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 40, 269(4), **Sch. 1 para. 7(b)**; S.I. 2010/303, art. 4, Sch. 3 (with arts. 8-14) (as amended by S.I. 2010/1151, art. 22)
- F11** Words in s. 199(2) repealed (15.12.1999) by 1999 c. 26, ss. 9, 44, Sch. 4 Pt. III para. 34(b), **Sch. 9(2)**; S.I. 1999/2830, art. 2(2)(3), Sch. 1 Pt. II, **Sch. 2 Pt. II** (with Sch. 3 paras. 8, 10, 11)
- F12** S. 199(3) repealed (15.12.1999) by 1999 c. 26, ss. 9, 44, Sch. 4 Pt. III para. 34(c), **Sch. 9(2)**; S.I. 1999/2830, art. 2(1)-(3), Sch. 1 Pt. II, **Sch. 2 Pt. II** (with transitional provisions in Sch. 3 paras. 8, 10, 11)
- F13** S. 199(6) omitted (1.10.2002) by virtue of The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (S.I. 2002/2034), reg. 11, **Sch. 2 Pt. 1 para. 3(16)** (with regs. 13-20 and subject to transitional provisions in Sch. 2 Pt. 2)
- F14** S. 199(7)(8) inserted (25.10.1999) by 1999 c. 26, s. 32(4); S.I. 1999/2830, art. 2(1)(2), **Sch. 1 Pt. I** (with transitional provisions in Sch. 3 para. 7(2))
- F15** S. 199(8)(d) substituted (6.4.2003) by Employment Act 2002 (c. 22), s. 53, **Sch. 7 para. 44(3)**; S.I. 2002/2866, art. 2(3), Sch. 1 Pt. 3

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**F16** Words in s. 199(8)(d) inserted (6.4.2010 for certain purposes and ptherwise prosp.) by virtue of Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 40, 269(4), **Sch. 1 para. 7(c)**; S.I. 2010/303, **art. 4**, Sch. 3 (with arts. 8-14) (as amended by S.I. 2010/1151, art. 22)

## 200 Police officers.

- (1) Sections 8 to 10, Part III <sup>F17</sup>. . . , sections [<sup>F18</sup>43M,]<sup>F19</sup>. . . , 45, [<sup>F20</sup>45A,] 47 <sup>F17</sup>. . . , [<sup>F21</sup>47C,]<sup>F22</sup>50 [<sup>F22</sup>to 57B] and 61 to 63, Parts VII and VIII, sections 92 and 93 [<sup>F23</sup>and], Part X [<sup>F24</sup>(except sections 100 [<sup>F25</sup>, 103A] and 134A and the other provisions of that Part so far as relating to the right not to be unfairly dismissed in a case where the dismissal is unfair by virtue of section 100 [<sup>F26</sup>or 103A])]. . . 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—
- (a) service as a member of a constabulary maintained by virtue of an enactment, or
  - (b) subject to section 126 of the <sup>M1</sup>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.

### Textual Amendments

- F17** Words in s. 200(1) repealed (1.4.2004) by Police Reform Act 2002 (c. 30), ss. 37(2)(a), 107, 108(2)-(5), **Sch. 8**; S.I. 2004/913, **art. 2(b)(f)(v)**
- F18** Words in s. 200(1) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 38**; S.I. 2005/872, **arts. 4, 5**, Sch. (subject to arts. 6-12)
- F19** Word in s. 200(1) repealed (1.7.1998) by 1997 c. 42, **s. 6(2)(a)**; S.I. 1998/1542, **art. 2**
- F20** Word in s. 45A inserted (1.10.1998) by S.I. 1998/1833, **reg. 31(6)**
- F21** Words in s. 200(1) inserted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 35(a)**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)
- F22** Words in s. 200(1) substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 35(b)**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)
- F23** Word in s. 200(1) inserted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 35(c)**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)
- F24** Words in s. 200(1) inserted (1.7.1998) by 1997 c. 42, **s. 6(2)(b)**; S.I. 1998/1542, **art. 2**
- F25** Words in s. 200(1) inserted (1.4.2004) by Police Reform Act 2002 (c. 30), **ss. 37(2)(b)**, 108(2)-(5); S.I. 2004/913, **art. 2(b)**
- F26** Words in s. 200(1) inserted (1.4.2004) by Police Reform Act 2002 (c. 30), **ss. 37(2)(c)**, 108(2)-(5); S.I. 2004/913, **art. 2(b)**

### Modifications etc. (not altering text)

- C1** S. 200 modified (1.10.2002 for certain purposes, otherwise 1.4.2004) by Police Reform Act 2002 (c. 30), s. 13, **Sch. 3 Pt. 3 para. 19(5)(b)** (with s. 14(1)); S.I. 2002/2306, **art. 4(e)**; S.I. 2004/913, **art. 2(d)**
- C2** S. 200 modified (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 42(4)(b)**

### Marginal Citations

- M1** 1994 c. 33.

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