



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART IV

#### SUNDAY WORKING FOR SHOP AND BETTING WORKERS

##### *Opting-out of Sunday work*

#### **41 Opted-out shop workers and betting workers.**

- (1) Subject to subsection (2), a shop worker or betting worker is to be regarded as “opted-out” for the purposes of any provision of this Act if (and only if)—
  - (a) he has given his employer an opting-out notice,
  - (b) he has been continuously employed during the period beginning with the day on which the notice was given and ending with the day which, in relation to the provision concerned, is the appropriate date, and
  - (c) throughout that period, or throughout every part of it during which his relations with his employer were governed by a contract of employment, he was a shop worker or a betting worker.
- (2) A shop worker is not an opted-out shop worker, and a betting worker is not an opted-out betting worker, if—
  - (a) after giving the opting-out notice concerned, he has given his employer an opting-in notice, and
  - (b) after giving the opting-in notice, he has expressly agreed with his employer to do shop work, or betting work, on Sunday or on a particular Sunday.
- <sup>F1</sup>(3) In this Act “notice period”, in relation to an opted-out shop worker or an opted-out betting worker, means—
  - (a) in the case of an opted-out shop worker who does shop work in or about a large shop, the period of one month beginning with the day on which the opting-out notice concerned was given;
  - (b) in any other case, the period of three months beginning with that day.

*Status: Point in time view as at 24/07/2023.*

*Changes to legislation: Employment Rights Act 1996, Section 41 is up to date with all changes known to be in force on or before 21 August 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)*

This subsection is subject to sections 41D(2) and 42(2).]

#### **Extent Information**

- E1** S. 41, 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** S. 41(3) substituted (4.5.2016 for specified purposes) by [Enterprise Act 2016 \(c. 12\)](#), s. 44(1)(d), **Sch. 5 para. 2**

#### **Modifications etc. (not altering text)**

- C1** S. 41(3) modified (E.W.) (1.5.2012) by [Sunday Trading \(London Olympic Games and Paralympic Games\) Act 2012 \(c. 12\)](#), **s. 3(3)**
- C2** S. 41(3) modified (E.W.) (1.5.2012) by [Sunday Trading \(London Olympic Games and Paralympic Games\) Act 2012 \(c. 12\)](#), **ss. 2(1)**, 3(1)

**Status:**

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