



Employment Rights Act 1996

1996 CHAPTER 18

PART IV

SUNDAY WORKING FOR SHOP AND BETTING WORKERS

Opting-out of Sunday work

43 Contractual requirements relating to Sunday work.

- (1) Where a shop worker or betting worker gives his employer an opting-out notice, the contract of employment under which he was employed immediately before he gave that notice becomes unenforceable to the extent that it—
 - (a) requires the shop worker to do shop work, or the betting worker to do betting work, on Sunday after the end of the notice period, or
 - (b) requires the employer to provide the shop worker with shop work, or the betting worker with betting work, on Sunday after the end of that period.
- (2) Subject to subsection (3), any agreement entered into between an opted-out shop worker, or an opted-out betting worker, and his employer is unenforceable to the extent that it—
 - (a) requires the shop worker to do shop work, or the betting worker to do betting work, on Sunday after the end of the notice period, or
 - (b) requires the employer to provide the shop worker with shop work, or the betting worker with betting work, on Sunday after the end of that period.
- (3) Where, after giving an opting-in notice, an opted-out shop worker or an opted-out betting worker expressly agrees with his employer to do shop work or betting work on Sunday or on a particular Sunday (and so ceases to be opted-out), his contract of employment shall be taken to be varied to the extent necessary to give effect to the terms of the agreement.

^{F1}(4)

- (5) For the purposes of section 41(1)(b), the appropriate date—

Status: Point in time view as at 01/11/2007. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 43 is up to date with all changes known to be in force on or before 18 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)

- (a) in relation to subsections (2) and (3) of this section, is the day on which the agreement is entered into,^{F2} . . .
- ^{F1}(b)

Extent Information

- E1** S. 43, 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. 43(4)(5)(b) repealed (15.12.1999) by 1999 c. 26, s. 9, Sch. 4 Pt. III para. 7(a)(c), **Sch. 9(2)**; S.I. 1999/2830, art. 2(1)(3), Sch. 1 Pt. II, **Sch. 2 Pt. II** (with Sch. 3 paras. 10, 11)
- F2** Word “and” after s. 43(5)(a) repealed (15.12.1999) by 1999 c. 26, s. 9, Sch. 4 Pt. III para. 7(b), **Sch. 9(2)**; S.I. 1999/2830, art. 2(1)(3), Sch. 1 Pt. II, **Sch. 2 Pt. II** (with Sch. 3 paras. 10, 11)

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