



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART VI

#### TIME OFF WORK

##### *Employee representatives*

#### **[<sup>F1</sup>63A Right to time off for young person [<sup>F2</sup>in Wales or Scotland] for study or training.**

- (1) An employee who—
- (a) is aged 16 or 17,
  - (b) is not receiving full-time secondary or further education, and
  - (c) has not attained such standard of achievement as is prescribed by regulations made by the Secretary of State,
- is entitled to be permitted by his employer to take time off during the employee's working hours in order to undertake study or training leading to a relevant qualification.
- (2) In this section—
- (a) “secondary education”—
    - (i) in relation to England and Wales, has the same meaning as in the <sup>M1</sup> Education Act 1996, and
    - (ii) in relation to Scotland, has the same meaning as in section 135(2)(b) of the <sup>M2</sup> Education (Scotland) Act 1980;
  - (b) “further education”—
    - (i) in relation to England and Wales, [<sup>F3</sup>has the same meaning as in the Education Act 1996,] and
    - (ii) in relation to Scotland, has the same meaning as in section 1(3) of the <sup>M3</sup> Further and Higher Education (Scotland) Act 1992; and
  - (c) “relevant qualification” means an external qualification the attainment of which—

*Status: Point in time view as at 06/04/2015.*

*Changes to legislation: Employment Rights Act 1996, Section 63A is up to date with all changes known to be in force on or before 11 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)*

- (i) would contribute to the attainment of the standard prescribed for the purposes of subsection (1)(c), and
- (ii) would be likely to enhance the employee’s employment prospects (whether with his employer or otherwise);

and for the purposes of paragraph (c) “ external qualification ” means an academic or vocational qualification awarded or authenticated by such person or body as may be specified in or under regulations made by the Secretary of State.

(3) An employee who—

- (a) satisfies the requirements of paragraphs (a) to (c) of subsection (1), and
- (b) is for the time being supplied by his employer to another person (“ the principal ”) to perform work in accordance with a contract made between the employer and the principal,

is entitled to be permitted by the principal to take time off during the employee’s working hours in order to undertake study or training leading to a relevant qualification.

(4) Where an employee—

- (a) is aged 18,
- (b) is undertaking study or training leading to a relevant qualification, and
- (c) began such study or training before attaining that age,

subsections (1) and (3) shall apply to the employee, in relation to that study or training, as if “or 18” were inserted at the end of subsection (1)(a).

(5) 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) the requirements of the employee’s study or training, and
- (b) the circumstances of the business of the employer or the principal and the effect of the employee’s time off on the running of that business.

[ References in this section to an employee do not include a person to whom Part 1 of <sup>F4</sup>(5A) the Education and Skills Act 2008 (duty to participate in education or training for 16 and 17 year olds in England) applies, or is treated by section 29 of that Act (extension for person reaching 18) as applying.]

(6) Regulations made for the purposes of subsections (1)(c) and (2) may make different provision for different cases, and in particular may make different provision in relation to England, Wales and Scotland respectively.

(7) References in this section to study or training are references to study or training on the premises of the employer or (as the case may be) principal or elsewhere.

(8) 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. 63A inserted (1.9.1999) by 1998 c. 30, s. 32 (with s. 42(8)); S.I. 1999/987, art. 2

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- F2** Words in s. 63A title inserted (28.6.2013) by Education and Skills Act 2008 (c. 25), **ss. 39(2)**, 173(4) (with **ss. 62(3)-(6)**, **64(4)-(6)**); S.I. 2013/1204, art. 2(q) (with art. 4)
- F3** Words in s. 63A substituted (1.4.2001) by 2000 c. 21, s. 149, **Sch. 9 para. 50**, S.I. 2001/654, art. 2(2), Sch. Pt. II (with art. 3)
- F4** S. 63A(5A) inserted (28.6.2013) by Education and Skills Act 2008 (c. 25), **ss. 39(2)**, 173(4) (with **ss. 62(3)-(6)**, **64(4)-(6)**); S.I. 2013/1204, art. 2(q) (with art. 4)

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

- C1** S. 63A(1)(c)(2): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**
- C2** S. 63A(2)(c) extended (1.9.2001) by S.I. 2001/2801, **reg. 5**

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**Marginal Citations**

- M1** 1996 c. 56.
- M2** 1980 c. 44.
- M3** 1992 c. 37.

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