



Employment Rights Act 1996

1996 CHAPTER 18

[^{F1}PART 6A

STUDY AND TRAINING

[^{F1}63F Employer's duties in relation to application

- (1) Subsections (4) to (7) apply if—
 - (a) an employer receives a section 63D application (the “current application”) from an employee, and
 - (b) during the relevant 12 month period the employer has not received another section 63D application (an “earlier application”) from the employee.
- (2) The “relevant 12 month period” is the 12 month period ending with the day on which the employer receives the current application.
- (3) The Secretary of State may make regulations about circumstances in which, at an employee's request, an employer is to be required to ignore an earlier application for the purposes of subsection (1).
- (4) The employer must deal with the application in accordance with regulations made by the Secretary of State.
- (5) The employer may refuse a section 63D application only if the employer thinks that one or more of the permissible grounds for refusal applies in relation to the application.
- (6) The employer may refuse part of a section 63D application only if the employer thinks that one or more of the permissible grounds for refusal applies in relation to that part.
- (7) The permissible grounds for refusal are—
 - (a) that the proposed study or training to which the application, or the part in question, relates would not improve—
 - (i) the employee's effectiveness in the employer's business, or
 - (ii) the performance of the employer's business;
 - (b) the burden of additional costs;

Status: Point in time view as at 01/10/2012.

Changes to legislation: Employment Rights Act 1996, Section 63F is up to date with all changes known to be in force on or before 07 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)

- (c) detrimental effect on ability to meet customer demand;
- (d) inability to re-organise work among existing staff;
- (e) inability to recruit additional staff;
- (f) detrimental impact on quality;
- (g) detrimental impact on performance;
- (h) insufficiency of work during the periods the employee proposes to work;
- (i) planned structural changes;
- (j) any other grounds specified by the Secretary of State in regulations.]

Textual Amendments

- F1** Pt. 6A inserted (6.4.2010 for certain purposes and otherwise prosp.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 40(2), 269(4); S.I. 2010/303, art. 4, Sch. 3 (with arts. 8-14) (as amended by S.I. 2010/1151, art. 22)

Status:

Point in time view as at 01/10/2012.

Changes to legislation:

Employment Rights Act 1996, Section 63F is up to date with all changes known to be in force on or before 07 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.