

2018 No. 665

TERMS AND CONDITIONS OF EMPLOYMENT

The Time Off for Public Duties Order 2018

<i>Made</i> - - - -	<i>30th May 2018</i>
<i>Laid before Parliament</i>	<i>1st June 2018</i>
<i>Coming into force</i> - -	<i>1st October 2018</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 50(10)(a) of the Employment Rights Act 1996(a).

Citation and commencement

1. This Order may be cited as the Time Off for Public Duties Order 2018 and comes into force on 1st October 2018.

Extension of rights to an additional office and members of additional bodies

2. Section 50 of the Employment Rights Act 1996(b) is amended as follows—

(a) for subsection (1) substitute—

“(1) An employer shall permit an employee of his who is—

(a) a justice of the peace, or

(b) an independent prison monitor appointed in accordance with section 7B(2) of the Prisons (Scotland) Act 1989(c),

to take time off during the employee’s working hours for the purpose of performing any of the duties of the office.”;

(b) in subsection (2)—

(i) omit “or” after paragraph (g);

(ii) after paragraph (h) insert—

“(i) a panel of lay observers appointed in accordance with section 81(1)(b) of the Criminal Justice Act 1991(d),

(a) 1996 c. 18.

(b) Section 50(2) was amended by paragraph 88 of Schedule 9 to the Police Act 1997 (c. 50); paragraphs 84 and 86 of Schedule 4 and Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15); paragraph 31 of Schedule 14 to the Police and Justice Act 2006 (c. 48); paragraph 8(a) of Schedule 3 to the Offender Management Act 2007 (c. 21); paragraph 219 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13); S.I. 2000/1737, 2004/1822 and 2011/2581 and S.S.I. 2015/39. There are other amendments to section 50 that are not relevant to this instrument.

(c) 1989 c. 45; section 7B was inserted by S.S.I. 2015/39.

(d) 1991 c. 53.

- (j) a Visiting Committee appointed in accordance with section 152(1) of the Immigration and Asylum Act 1999(a), or
- (k) a Visiting Committee appointed by the Secretary of State for a short-term holding facility (within the meaning given by section 147 of the Immigration and Asylum Act 1999(b)).”.

Lucy Frazer
Parliamentary Under Secretary of State
Ministry of Justice

30th May 2018

EXPLANATORY NOTE

(This note is not part of the Order)

Section 50 of the Employment Rights Act 1996 (c.18) (“the 1996 Act”) applies to employers in Great Britain and requires such employers to allow time off during working hours, subject to the provisions of the section, to an employee who holds a post included in section 50(1) or is a member of a body listed in section 50(2) of the 1996 Act. The Secretary of State has the power to modify section 50(1) and (2) by adding or removing any office or body. This Order adds three bodies and one office.

Firstly, the Order adds independent prison monitors appointed in accordance with section 7B(2) of the Prisons (Scotland) Act 1989 (c. 45) to section 50(1). Independent prison monitors visit prisons in Scotland and monitor the conditions in the prison and the treatment of the prisoners. The equivalent body for England and Wales is already included at section 50(2)(d) of the 1996 Act.

Secondly, the Order adds a panel of lay observers appointed in accordance with section 81(1)(b) of the Criminal Justice Act 1991 (c. 53) (“the 1991 Act”). These are volunteers who monitor conditions for prisoners under escort and in court custody. The 1991 Act extends to England and Wales only and lay observers of prison escort and custody services do not exist or operate in Scotland.

Thirdly, the Order adds Visiting Committees for the immigration and detention estate appointed in accordance with section 152(1) of the Immigration and Asylum Act 1999 (c. 33) (“the 1999 Act”) for England, Wales and Scotland. Visiting Committees established in accordance with the 1999 Act are commonly referred to as Independent Monitoring Boards for the immigration detention estate and consist of volunteers who monitor the immigration detention estate across the whole of the UK, including Northern Ireland. This provision will only apply to employers in England, Wales and Scotland. Northern Ireland has separate employment legislation.

Finally, this Order adds Visiting Committees appointed by the Secretary of State for short-term holding facilities to the list of bodies specified in section 50(2) of the 1996 Act.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Ministry of Justice, 102 Petty France, London, SW1H 9AJ and is published with an Explanatory Memorandum alongside the instrument on <https://legislation.gov.uk>.

(a) 1999 c. 33; section 152 was amended by section 66(2) and (3)(e) of the Nationality, Immigration and Asylum Act 2002 (c. 41).

(b) The definition of “short-term holding facility” in section 147 was amended by section 25 of the Borders, Citizenship and Immigration Act 2009 (c. 11) and section 6(1) and (2)(d) of the Immigration Act 2014 (c. 22).