



Teaching and Higher Education Act 1998

1998 CHAPTER 30

PART III

RIGHT TO TIME OFF FOR STUDY OR TRAINING

32 Right of young persons to time off for study or training.

After section 63 of the ^{M1}Employment Rights Act 1996 there shall be inserted—

“63A Right to time off for young person 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 ^{M2}Education Act 1996, and
 - (ii) in relation to Scotland, has the same meaning as in section 135(2)(b) of the ^{M3}Education (Scotland) Act 1980;
- (b) “further education”—
 - (i) in relation to England and Wales, means such further education (within the meaning of the Education Act 1996) as is provided by means of a course of a description mentioned in Schedule 2 to the ^{M4}Further and Higher Education Act 1992, and

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- (ii) in relation to Scotland, has the same meaning as in section 1(3) of the ^{M5}Further and Higher Education (Scotland) Act 1992; and
- (c) “relevant qualification” means an external qualification the attainment of which—
 - (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.
- (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.”

Marginal Citations

M1 1996 c. 18.

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M2 1996 c. 56.

M3 1980 c. 44.

M4 1992 c. 13.

M5 1992 c. 37.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(4A)(4B) inserted by [2017 c. 29 s. 86\(4\)](#)
- s. 22(5)(ea) inserted by [2017 c. 29 s. 86\(5\)\(d\)](#)
- s. 22(11) inserted by [2017 c. 29 s. 86\(7\)](#)
- s. 28A inserted by [2022 c. 21 s. 15\(1\)](#)