Employment Rights Act 1996

1996 CHAPTER 18

PART II

PROTECTION OF WAGES

Deductions by employer

13   Right not to suffer unauthorised deductions.

(1) An employer shall not make a deduction from wages of a worker employed by him unless—

(a) the deduction is required or authorised to be made by virtue of a statutory provision or a relevant provision of the worker's contract, or

(b) the worker has previously signified in writing his agreement or consent to the making of the deduction.

(2) In this section "relevant provision", in relation to a worker's contract, means a provision of the contract comprised—

(a) in one or more written terms of the contract of which the employer has given the worker a copy on an occasion prior to the employer making the deduction in question, or

(b) in one or more terms of the contract (whether express or implied and, if express, whether oral or in writing) the existence and effect, or combined effect, of which in relation to the worker the employer has notified to the worker in writing on such an occasion.

(3) Where the total amount of wages paid on any occasion by an employer to a worker employed by him is less than the total amount of the wages properly payable by him to the worker on that occasion (after deductions), the amount of the deficiency shall be treated for the purposes of this Part as a deduction made by the employer from the worker's wages on that occasion.

(4) Subsection (3) does not apply in so far as the deficiency is attributable to an error of any description on the part of the employer affecting the computation by him of the gross amount of the wages properly payable by him to the worker on that occasion.

(5) For the purposes of this section a relevant provision of a worker's contract having effect by virtue of a variation of the contract does not operate to authorise the making of a deduction on account of any conduct of the worker, or any other event occurring, before the variation took effect.

(6) For the purposes of this section an agreement or consent signified by a worker does not operate to authorise the making of a deduction on account of any conduct of the worker, or any other event occurring, before the agreement or consent was signified.

(7) This section does not affect any other statutory provision by virtue of which a sum payable to a worker by his employer but not constituting "wages" within the meaning of this Part is not to be subject to a deduction at the instance of the employer.

[**F1**(8) In relation to deductions from amounts of qualifying tips, gratuities and service charges allocated to workers under Part 2B, subsection (1) applies as if—

    (a)   in paragraph (a), the words "or a relevant provision of the worker's contract" were omitted, and

    (b)   paragraph (b) were omitted.**]**

Textual Amendments
  F1 S. 13(8) inserted (31.7.2023 for specified purposes) by Employment (Allocation of Tips) Act 2023 (c. 13), **ss. 11(a)**, 14(2); S.I. 2023/876, reg. 3(c)

Changes to legislation:
Employment Rights Act 1996, Section 13 is up to date with all changes known to be in force on or before 14 May 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.
View outstanding changes

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):

– Pt. 8 Ch. 5 inserted by 2023 c. 20 Sch. para. 2
– Pt. 8A Ch. 1 heading inserted by 2023 c. 46 s. 1(3)
– Pt. 8A Ch. 2 inserted by 2023 c. 46 s. 1(4)
– Pt. 8A Ch. 3 inserted by 2023 c. 46 s. 2
– Pt. 8A Ch. 4 inserted by 2023 c. 46 s. 3(2)
– s. 43K(1)(ca) and word omitted by 2013 c. 24 s. 20(5) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
– s. 43K(2)(ba) omitted by 2013 c. 24 s. 20(6) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
– s. 47C(2)(cc) inserted by 2023 c. 20 Sch. para. 22
– s. 47H inserted by 2020 c. 7 Sch. 7 para. 9
– s. 47AA inserted by 2008 c. 25 s. 37
– s. 47EA inserted by 2023 c. 46 Sch. para. 4
– s. 47EB inserted by 2023 c. 46 Sch. para. 5
– s. 48(1C) inserted by 2020 c. 7 Sch. 7 para. 10(a)
– s. 48(1C) inserted by 2023 c. 46 Sch. para. 6(2)
– s. 48(1D) inserted by 2023 c. 46 Sch. para. 6(3)
– s. 49(8) inserted by 2020 c. 7 Sch. 7 para. 11(b)
– s. 49(8) inserted by 2023 c. 46 Sch. para. 7(4)
– s. 49C inserted by 2017 c. 16 s. 32(4)
– s. 75I(3)(g) and word inserted by 2023 c. 20 Sch. para. 23(b)
– s. 80C(2)(bc) inserted by 2023 c. 20 Sch. para. 24(2)
– s. 80C(4)(bc) inserted by 2023 c. 20 Sch. para. 24(3)
– s. 80EB(2)(f) and word inserted by 2023 c. 20 Sch. para. 25(b)
– s. 99(3)(cc) inserted by 2023 c. 20 Sch. para. 28
– s. 101B inserted by 2008 c. 25 s. 38
– s. 104H inserted by 2020 c. 7 Sch. 7 para. 14
– s. 104CA inserted by 2023 c. 46 Sch. para. 9
– s. 105(4B) inserted by 2008 c. 25 s. 39(3)
– s. 105(7BC) inserted by 2020 c. 7 Sch. 7 para. 15
– s. 105(7BAA) inserted by 2023 c. 46 Sch. para. 10
– s. 108(3)(gia) inserted by 2023 c. 46 Sch. para. 11
– s. 108(3)(de) inserted by 2008 c. 25 s. 39(4)
– s. 108(3)(gn) inserted by 2020 c. 7 Sch. 7 para. 16
– s. 110(3A) inserted by 2002 c. 22 s. 44
– s. 205A(2)(ba) inserted by 2023 c. 46 Sch. para. 16(2)
– s. 205A(8A) inserted by 2023 c. 46 Sch. para. 16(3)
– s. 225(7)(8) inserted by 2023 c. 46 Sch. para. 17
– s. 227(1)(zb)(zc) inserted by 2023 c. 46 Sch. para. 18