

**Bulletin 164**

**April 2010**

## HOLIDAY NOTICE PERIODS

The EAT has recently held that an employer can refuse an employee's request to take annual leave (whether statutory or contractual) in circumstances where they have not given the required statutory or contractual notice (*Lyons v Mitie Security Ltd*).

This will be the case even if it has the effect of preventing the employee from taking their full annual leave entitlement for that particular year.

### ➤ **Practical Tips**

This decision confirms that the right to take annual leave is subject to the reasonable notice provisions put in place by the employer.

However, in order to rely on such notice provisions employers must ensure that they are properly communicated to employees and operated correctly; the EAT emphasised that employers will not be justified in refusing requests for annual leave in circumstances where notice provisions have been operated in an unreasonable, arbitrary or capricious manner.

If you require any specific advice in connection with the material contained in this bulletin, or on any other Employment Law issues, please contact: Paul Chamberlain in Manchester on 0161 836 8864, Andrew Cross in Liverpool on 0151 600 3062 or Kevin James in Preston on 01772 229847.

If you no longer wish to receive the bulletin please let us know by return e-mail to [helen.calvert@brabnerscs.com](mailto:helen.calvert@brabnerscs.com)

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