

SECTION 3

DRAFT REGULATIONS AMENDING WORKING TIME REGULATIONS.

STATUTORY INSTRUMENTS

2003 No.

TERMS AND CONDITIONS OF EMPLOYMENT

The Working Time (Amendment) Regulations 2003

Made - - - - - 2003

Laid before Parliament 2003

Coming into force - - - 1st August 2003

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to the organisation of working time(b), in exercise of the powers conferred on her by that provision hereby makes the following Regulations—

1. These Regulations may be cited as the Working Time (Amendment) Regulations 2003 and shall come into force on 1st August 2003.
2. The Working Time Regulations 1998(c) shall be amended as provided below.
3. In paragraph (1) of regulation 2 (interpretation)—
 - (a) after the definition of “employment” insert the following definition—

(a) 1972 c. 68.

(b) S.I. 1997/1174.

(c) S.I. 1998/1833, as amended by S.I. 1999/3272 and by S.I. 2001/3256.

“mobile worker” means any worker employed as a member of travelling or flying personnel by an undertaking which operates transport services for passengers or goods by road or air;” and

(b) after the definition of “night worker” insert the following definition—

“ “offshore work” means work performed mainly on or from offshore installations (including drilling rigs), directly or indirectly in connection with the exploration, extraction or exploitation of mineral resources, including hydrocarbons, and diving in connection with such activities, whether performed from an offshore installation or vessel;”.

4. In regulation 4(5) insert at the beginning “Except for a worker who is a doctor in training,”.

5. For regulation 18 (excluded sectors) substitute the following—

‘Excluded sectors

18. –(1) Regulations 4(1) and (2), 6(1), (2) and (7), 7(1) and (6), 8, 10(1), 11(1) and (2), 12(1), 13 and 16 do not apply—

- (a) where characteristics peculiar to certain specific services such as the armed forces or the police, or to certain specific activities in the civil protection services, inevitably conflict with the provisions of these Regulations;
- (b) to workers who are seafarers as provided for in Council Directive 1999/63/EC of 21st June 1999(d);
- (c) to workers on board sea-going fishing vessels who are subject to regulation of the organisation of their working time under [regulations to be brought forward by the Department of Transport to amend the Merchant Shipping Acts];
- (d) to workers who are crew members on board civil aircraft as provided for in Council Directive 2000/79/EC of 27th November 2000(e);
- (e) to workers employed as members of travelling personnel by an undertaking which operates services for passengers or goods by inland waterway or lake transport who are subject to regulation of the organisation of their working time under [The Merchant Shipping (Hours of Work: Inland Waterways) Regulations 2003]; or

(d) OJ No. L 167,2.7.99, p. 33.

(e) OJ No. L 302, 1.12.00, p. 57.

(f) to the activities of workers who are doctors in training until 31st July 2004.”.

(2) Regulations 4(1) and (2), 6(1), (2) and (7), 8, 10(1), 11(1) and (2) and 12(1) do not apply to workers performing mobile road transport activities as provided for in Directive 2002/15/EC of the European Parliament and of the Council of 11th March 2002(**f**).”.

6. In regulation 21 (Other special cases)—

(a) in sub-paragraph (a) after “his place of work and place of residence are distant from one another” insert “, including offshore work,”;

(b) in sub-paragraph (c)(i) after “hospitals or similar establishments” insert “(including the activities of doctors in training)”;

(c) after sub-paragraph (c)(vii) add the following—

“(viii) workers concerned with the carriage of passengers on regular urban transport services;”;

(d) after sub-paragraph (d) insert the following sub-paragraph—

“(dd) where the worker works in railway transport and—

(i) his activities are intermittent;

(ii) he spends his working time on board trains; or

(iii) his activities are linked to transport timetables and to ensuring the continuity and regularity of traffic;”.

7. After regulation 22 the following regulation is inserted—

“Doctors in training

22A. —(1) Paragraph (1) of regulation 4 is modified in its application to workers who are doctors in training as follows—

(a) for the reference to 48 hours there is substituted a reference to 58 hours with effect from 1st August 2004 to 31st July 2007;

(b) for the reference to 48 hours there is substituted a reference to 56 hours with effect from 1st August 2007 to 31st July 2009.

(2) Paragraphs (3) and (4) of regulation 4 are modified in their application to workers who are doctors in training as follows—

- (a) for each reference to 17 weeks there is substituted a reference to 52 weeks with effect from 1st August 2004 to 31st July 2007;
- (b) for each reference to 17 weeks there is substituted a reference to 26 weeks with effect from 1st August 2007 to 31st July 2009.”.

8. After regulation 24 the following regulation is inserted—

Mobile workers

24A.—(1) Subject to paragraphs (2) and (3), regulations 6(1), (2) and (7), 10(1), 11(1) and (2) and 12(1) do not apply to a mobile worker.

(2) This regulation does not apply to those workers to whom regulation 18(2) applies.

(3) In a case where the application of the regulations mentioned is excluded by virtue of paragraph (1), the mobile worker is entitled instead to adequate rest, except where the worker’s activities are affected by the circumstances referred to in regulation 21(e).

(4) For the purposes of this regulation—

“adequate rest” means that a worker has regular rest periods, the duration of which are expressed in units of time and which are sufficiently long and continuous to ensure that, as a result of fatigue or other irregular working patterns, he does not cause injury to himself, to fellow workers or to others and that he does not damage his health, either in the short term or in the longer term.”.

9. After regulation 28(1)(b) add the following—

“(c) regulation 24A(2), in so far as it applies where regulation 6(1), (2) or (7) is excluded, and”.

10. After regulation 30(1)(a)(iii) add the following—

“(iv) regulation 24A, in so far as it applies where regulation 10(1), 11(1) or (2) or 12(1) is excluded; or”.