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PROSPECTIVE

SCHEDULE

Regulation 4(2)

PAY FOR TIME OFF ALLOWED TO SAFETY REPRESENTATIVES

1. Subject to paragraph 3 below, where a safety representative is permitted to take time off in accordance with Regulation 4(2) of these Regulations, his employer shall pay him—
 - (a) where the safety representative's remuneration for the work he would ordinarily have been doing during that time does not vary with the amount of work done, as if he had worked at that work for the whole of that time;
 - (b) where the safety representative's remuneration for that work varies with the amount of work done, an amount calculated by reference to the average hourly earnings for that work (ascertained in accordance with paragraph 2 below).

Commencement Information

I1 [Sch. para. 1](#) in operation on 1.10.1978, see [reg. 1](#)

2. The average hourly earnings referred to in paragraph 1(b) above are the average hourly earnings of the safety representative concerned or, if no fair estimate can be made of those earnings, the average hourly earnings for work of that description of persons in comparable employment with the same employer or, if there are no such persons, a figure of average hourly earnings which is reasonable in the circumstances.

Commencement Information

I2 [Sch. para. 2](#) in operation on 1.10.1978, see [reg. 1](#)

3. Any payment to a safety representative by an employer in respect of a period of time off—
 - (a) if it is a payment which discharges any liability which the employer may have under section 57 of the 1975 Act in respect of that period, shall also discharge his liability in respect of the same period under Regulation 4(2) of these Regulations;—
 - (b) if it is a payment under any contractual obligation, shall go towards discharging the employer's liability in respect of the same period under Regulation 4(2) of these Regulations;
 - (c) if it is a payment under Regulation 4(2) of these Regulations shall go towards discharging any liability of the employer to pay contractual remuneration in respect of the same period.

Commencement Information

I3 [Sch. para. 3](#) in operation on 1.10.1978, see [reg. 1](#)

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Changes and effects yet to be applied to :

- Sch. para. 1 coming into operation by S.I. 1977/500 reg. 1
- Sch. para. 2 coming into operation by S.I. 1977/500 reg. 1
- Sch. para. 3 coming into operation by S.I. 1977/500 reg. 1
- Instrument modified by S.I. 1992/2051 reg.17
- reg. 1 coming into operation by S.I. 1977/500 reg. 1
- reg. 2 coming into operation by S.I. 1977/500 reg. 1
- reg. 2(1) words inserted by S.I. 1999/860 art. 3(2)
- reg. 2(1) words inserted by S.I. 2014/469 Sch. 3 para. 31
- reg. 2(1) words revoked by S.I. 2006/594 Sch. para. 3(2)(a)
- reg. 2(1) words substituted by S.I. 2016/562 Sch. 2 para. 5
- reg. 3 coming into operation by S.I. 1977/500 reg. 1
- reg. 3(1) words omitted by S.I. 1996/1513 reg. 13
- reg. 4 coming into operation by S.I. 1977/500 reg. 1
- reg. 4(1) words inserted by S.I. 2014/469 Sch. 3 para. 32(2)(c)
- reg. 4(1)(f) words inserted by S.I. 2014/469 Sch. 3 para. 32(2)(a)
- reg. 4(1)(g) substituted by S.I. 2014/469 Sch. 3 para. 32(2)(b)
- reg. 4(2) words substituted by S.I. 1999/860 art. 3(4)
- reg. 4(2)(b) words substituted by S.I. 2008/960 Sch. 3
- reg. 5 coming into operation by S.I. 1977/500 reg. 1
- reg. 5(2) words omitted by S.I. 2008/960 Sch. 3
- reg. 5(2) words substituted by S.I. 2014/469 Sch. 3 para. 34(2)
- reg. 5(4) words inserted by S.I. 1999/2024 Sch. 5 Pt. 2
- reg. 5(4) words omitted by S.I. 2014/3248 Sch. 5 para. 4
- reg. 6 coming into operation by S.I. 1977/500 reg. 1
- reg. 6(1) words substituted by S.I. 2012/199 reg. 6(2)(a)
- reg. 6(1) words substituted by S.I. 2013/1471 reg. 18(2)Sch. 4 Table 2
- reg. 6(3) substituted by S.I. 2012/199 reg. 6(2)(b)
- reg. 6(3) substituted by S.I. 2013/1471 reg. 18(2)Sch. 4 Table 2
- reg. 6(3) words inserted by S.I. 2014/469 Sch. 3 para. 35
- reg. 7 coming into operation by S.I. 1977/500 reg. 1
- reg.7(1) mod by S.I. 1994/237 reg.9(12)
- reg. 7(1) words inserted by S.I. 2014/469 Sch. 3 para. 36
- reg. 8 coming into operation by S.I. 1977/500 reg. 1
- reg. 9 coming into operation by S.I. 1977/500 reg. 1
- reg. 10 coming into operation by S.I. 1977/500 reg. 1
- reg. 10 words substituted by S.I. 2008/960 Sch. 3
- reg. 11 coming into operation by S.I. 1977/500 reg. 1

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

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

- Sch. 1 inserted by S.I. 1999/860 art. 3(5)Sch.
- Sch. 1 revoked by S.I. 2006/594 Sch. para. 3(2)(c)

- Sch. 2 Sch. renumbered as Sch. 2 by S.I. 1999/860 art. 3(6)
- reg. 2A inserted by S.I. 1999/860 art. 3(3)
- reg. 2A revoked by S.I. 2006/594 Sch. para. 3(2)(b)
- reg. 4A(1)(b) words inserted by S.I. 1997/1840 reg. 21(1)
- reg. 4A(1)(b) words substituted by S.S.I. 2006/457 Sch. 1 para. 1
- reg. 4A(1)(b) words substituted by S.I. 1999/3242 Sch. 2
- reg. 4A(1)(b) words substituted by S.I. 2005/1541 art. 41(1)
- reg. 4A(1)(c) words inserted by S.I. 2014/469 Sch. 3 para. 33(1)(a)
- reg. 4A(1)(d) words inserted by S.I. 2014/469 Sch. 3 para. 33(1)(b)
- reg. 5(2A) inserted by S.I. 2014/469 Sch. 3 para. 34(3)
- reg. 11(2A) inserted by S.I. 2014/431 Sch. para. 8
- reg. 12 inserted by S.I. 2014/431 Sch. para. 9