
STATUTORY INSTRUMENTS

1998 No. 1833

The Working Time Regulations 1998

PART I
GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Working Time Regulations 1998 and shall come into force on 1st October 1998.

(2) These Regulations extend to Great Britain only.

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” means the Employment Rights Act 1996 ^{M1};

“adult worker” means a worker who has attained the age of 18;

“the armed forces” means any of the naval, military and air forces of the Crown;

“calendar year” means the period of twelve months beginning with 1st January in any year;

“the civil protection services” includes the police, fire brigades and ambulance services, the security and intelligence services, customs and immigration officers, the prison service, the coastguard, and lifeboat crew and other voluntary rescue services;

“collective agreement” means a collective agreement within the meaning of section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992 ^{M2}, the trade union parties to which are independent trade unions within the meaning of section 5 of that Act;

“day” means a period of 24 hours beginning at midnight;

“employer”, in relation to a worker, means the person by whom the worker is (or, where the employment has ceased, was) employed;

“employment”, in relation to a worker, means employment under his contract, and “employed” shall be construed accordingly;

[^{F1}“fishing vessel” has the same meaning as in section 313 of the Merchant Shipping Act 1995;]

[^{F1}“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;]

“night time”, in relation to a worker, means a period—

(a) the duration of which is not less than seven hours, and

(b) which includes the period between midnight and 5 a.m.,

which is determined for the purposes of these Regulations by a relevant agreement, or, in default of such a determination, the period between 11 p.m. and 6 a.m.;

“night work” means work during night time;

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“night worker” means a worker—

- (a) who, as a normal course, works at least three hours of his daily working time during night time, or
- (b) who is likely, during night time, to work at least such proportion of his annual working time as may be specified for the purposes of these Regulations in a collective agreement or a workforce agreement;

and, for the purpose of paragraph (a) of this definition, a person works hours as a normal course (without prejudice to the generality of that expression) if he works such hours on the majority of days on which he works;

[^{F2}“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 a vessel [^{F3}, including any such work performed in the territorial waters of the United Kingdom adjacent to Great Britain or in any area (except one or part of one in which the law of Northern Ireland applies) designated under section 1(7) of the Continental Shelf Act 1964];]

“relevant agreement”, in relation to a worker, means a workforce agreement which applies to him, any provision of a collective agreement which forms part of a contract between him and his employer, or any other agreement in writing which is legally enforceable as between the worker and his employer;

“relevant training” means work experience provided pursuant to a training course or programme, training for employment, or both, other than work experience or training—

- (a) the immediate provider of which is an educational institution or a person whose main business is the provision of training, and
- (b) which is provided on a course run by that institution or person;

“rest period”, in relation to a worker, means a period which is not working time, other than a rest break or leave to which the worker is entitled under these Regulations;

[^{F4}“the restricted period”, in relation to a worker, means the period between 10 p.m. and 6 a.m. or, where the worker’s contract provides for him to work after 10 p.m., the period between 11 p.m. and 7 a.m.]

[^{F5}“ship” has the same meaning as in section 313 of the Merchant Shipping Act 1995;]

“worker” means an individual who has entered into or works under (or, where the employment has ceased, worked under)—

- (a) a contract of employment; or
- (b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual;

and any reference to a worker’s contract shall be construed accordingly;

“worker employed in agriculture” [^{F6}means, in relation to Wales, an agricultural worker within the meaning of section 18 of the Agricultural Sector (Wales) Act 2014 and otherwise] has the same meaning as in the Agricultural Wages Act 1948 ^{M3} or the Agricultural Wages (Scotland) Act 1949 ^{M4}, and a reference to a worker partly employed in agriculture is to a worker employed in agriculture whose employer also employs him for non-agricultural purposes;

“workforce agreement” means an agreement between an employer and workers employed by him or their representatives in respect of which the conditions set out in Schedule 1 to these Regulations are satisfied;

“working time”, in relation to a worker, means—

- (a) any period during which he is working, at his employer’s disposal and carrying out his activity or duties,
- (b) any period during which he is receiving relevant training, and
- (c) any additional period which is to be treated as working time for the purpose of these Regulations under a relevant agreement;

and “work” shall be construed accordingly;

“Working Time Directive” means Council Directive [93/104/EC](#) of 23rd November 1993 concerning certain aspects of the organization of working time ^{M5};

“young worker” means a worker who has attained the age of 15 but not the age of 18 and who, as respects England and Wales, is over compulsory school age (construed in accordance with section 8 of the Education Act 1996) ^{M6} and, as respects Scotland, is over school age (construed in accordance with section 31 of the Education (Scotland) Act 1980) ^{M7}, and

“Young Workers Directive” means Council Directive [94/33/EC](#) of 22nd June 1994 on the protection of young people at work ^{M8}.

(2) In the absence of a definition in these Regulations, words and expressions used in particular provisions which are also used in corresponding provisions of the Working Time Directive or the Young Workers Directive have the same meaning as they have in those corresponding provisions.

(3) In these Regulations—

- (a) a reference to a numbered regulation is to the regulation in these Regulations bearing that number;
- (b) a reference in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number; and
- (c) a reference in a paragraph to a lettered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter.

Textual Amendments

- F1** Words in reg. 2(1) inserted (1.8.2003) by [The Working Time \(Amendment\) Regulations 2003](#) (S.I. 2003/1684), regs. 1, **3(a)**
- F2** Words in reg. 2(1) inserted (1.8.2003) by [The Working Time \(Amendment\) Regulations 2003](#) (S.I. 2003/1684), regs. 1, **3(b)**
- F3** Words in reg. 2(1) inserted (1.10.2006) by [The Working Time \(Amendment\) \(No.2\) Regulations 2006](#) (S.I. 2006/2389), regs. 1(1), **2**
- F4** Words in reg. 2(1) inserted (6.4.2003) by [The Working Time \(Amendment\) Regulations 2002](#) (S.I. 2002/3128), regs. 1, **3**
- F5** Words in reg. 2(1) inserted (1.8.2003) by [The Working Time \(Amendment\) Regulations 2003](#) (S.I. 2003/1684), regs. 1, **3(c)**
- F6** Words in reg. 2(1) inserted (E.W.) (30.7.2014) by [Agricultural Sector \(Wales\) Act 2014](#) (anaw 6), **ss. 11(2)**, 19 (with s. 14(1))

Marginal Citations

- M1** 1996 c.18.
- M2** 1992 c.52.
- M3** 1948 c.47.

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- M4** [1949 c.30.](#)
- M5** O.J. No. L307, 13.12.93, p.18.
- M6** [1996 c.56.](#)
- M7** [1980 c.44.](#)
- M8** O.J. No. L216, 20.8.94, p.12.

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