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STATUTORY INSTRUMENTS

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**1998 No. 1833**

**The Working Time Regulations 1998**

**PART II**

**RIGHTS AND OBLIGATIONS CONCERNING WORKING TIME**

**Entitlement to annual leave**

**13.**—<sup>F1</sup>(1) Subject to paragraph (5), a worker is entitled to four weeks' annual leave in each leave year.]

<sup>F2</sup>(2) .....

(3) A worker's leave year, for the purposes of this regulation, begins—

(a) on such date during the calendar year as may be provided for in a relevant agreement; or

(b) where there are no provisions of a relevant agreement which apply—

(i) if the worker's employment began on or before 1st October 1998, on that date and each subsequent anniversary of that date; or

(ii) if the worker's employment begins after 1st October 1998, on the date on which that employment begins and each subsequent anniversary of that date.

(4) Paragraph (3) does not apply to a worker to whom Schedule 2 applies (workers employed in agriculture [<sup>F3</sup>in Wales or Scotland]) except where, in the case of a worker partly employed in agriculture [<sup>F3</sup>in Wales or Scotland], a relevant agreement so provides.

(5) Where the date on which a worker's employment begins is later than the date on which (by virtue of a relevant agreement) his first leave year begins, the leave to which he is entitled in that leave year is a proportion of the period applicable under [<sup>F4</sup>paragraph (1)] equal to the proportion of that leave year remaining on the date on which his employment begins.

<sup>F5</sup>(6) .....

<sup>F6</sup>(7) .....

<sup>F6</sup>(8) .....

(9) Leave to which a worker is entitled under this regulation may be taken in instalments, but—

(a) [<sup>F7</sup>subject to the exception in paragraphs (10) and (11),] it may only be taken in the leave year in respect of which it is due, and

(b) it may not be replaced by a payment in lieu except where the worker's employment is terminated.

[<sup>F8</sup>(10) Where in any leave year it was not reasonably practicable for a worker to take some or all of the leave to which the worker was entitled under this regulation as a result of the effects of coronavirus (including on the worker, the employer or the wider economy or society), the worker shall be entitled to carry forward such untaken leave as provided for in paragraph (11).

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*Status: Point in time view as at 26/03/2020. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Working Time Regulations 1998, Section 13. (See end of Document for details)*

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(11) Leave to which paragraph (10) applies may be carried forward and taken in the two leave years immediately following the leave year in respect of which it was due.

(12) An employer may only require a worker not to take leave to which paragraph (10) applies on particular days as provided for in regulation 15(2) where the employer has good reason to do so.

(13) For the purpose of this regulation “coronavirus” means severe acute respiratory syndrome corona-virus 2 (SARS-CoV-2).]

#### **Textual Amendments**

- F1** Reg. 13(1) substituted (25.10.2001) by [The Working Time \(Amendment\) Regulations 2001 \(S.I. 2001/3256\)](#), regs. 1(1), **2(2)**
- F2** Reg. 13(2) omitted (25.10.2001) by virtue of [The Working Time \(Amendment\) Regulations 2001 \(S.I. 2001/3256\)](#), regs. 1(1), **2(3)**
- F3** Words in reg. 13(4) inserted (E.) (1.10.2013) by [The Working Time \(Amendment\) \(England\) Regulations 2013 \(S.I. 2013/2228\)](#), regs. 1(2), **2(2)** (with reg. 3)
- F4** Words in reg. 13(5) substituted (25.10.2001) by [The Working Time \(Amendment\) Regulations 2001 \(S.I. 2001/3256\)](#), regs. 1(1), **2(4)**
- F5** Reg. 13(6) omitted (1.10.2007) by virtue of [The Working Time \(Amendment\) Regulations 2007 \(S.I. 2007/2079\)](#), regs. 1(2), **2(4)**
- F6** Reg. 13(7)(8) omitted (25.10.2001) by virtue of [The Working Time \(Amendment\) Regulations 2001 \(S.I. 2001/3256\)](#), regs. 1(1), **2(6)**
- F7** Words in reg. 13(9)(a) inserted (26.3.2020 at 9.00 p.m.) by [The Working Time \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/365\)](#), regs. 1, **3(a)**
- F8** Reg. 13(10)-(13) inserted (26.3.2020 at 9.00 p.m.) by [The Working Time \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/365\)](#), regs. 1, **3(b)**

**Status:**

Point in time view as at 26/03/2020. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Working Time Regulations 1998, Section 13.