

STATUTORY INSTRUMENTS

1998 No. 1833

The Working Time Regulations 1998

PART II

RIGHTS AND OBLIGATIONS CONCERNING WORKING TIME

Entitlement to annual leave

13.—^{F1}(A1) This regulation applies to—

- (a) a worker in respect of any leave years beginning before 1st April 2024, and
- (b) a worker to whom regulation 15B does not apply in respect of any leave years beginning on or after 1st April 2024.]

^{F2}(1) Subject to paragraph (5), a worker is entitled to four weeks' annual leave in each leave year.]

^{F3}(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 [^{F4}in Wales or Scotland]) except where, in the case of a worker partly employed in agriculture [^{F4}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 [^{F5}paragraph (1)] equal to the proportion of that leave year remaining on the date on which his employment begins.

^{F6}(6)

^{F7}(7)

^{F7}(8)

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

- (a) [^{F8}^{F9}subject to the exceptions in paragraphs (14), (15) and (17)] ,] 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.

^{F10}(10)

^{F10}(11)

^{F10}(12)

^{F10}(13)

[^{F11}(14) Where, as a result of taking a period of statutory leave in any leave year, a worker is unable to take some or all of the annual leave to which the worker is entitled in that leave year under this regulation, the worker is entitled to carry forward such untaken leave into the following leave year.

(15) Where, as a result of taking a period of sick leave in any leave year, a worker is unable to take some or all of the annual leave to which the worker is entitled in that leave year under this regulation, the worker is entitled to carry forward such untaken leave into the following leave year provided it is taken by the end of the period of 18 months from the end of the leave year in which the entitlement originally arose.

(16) Paragraph (17) applies where, in any leave year, an employer fails to—

- (a) recognise a worker's right to annual leave under this regulation or to payment for that leave in accordance with regulation 16;
- (b) give the worker a reasonable opportunity to take the leave to which the worker is entitled under this regulation or encourage them to do so; or
- (c) inform the worker that any leave not taken by the end of the leave year, which cannot be carried forward, will be lost.

(17) Where this paragraph applies and subject to paragraph (18), the worker is entitled to carry forward any leave to which the worker is entitled under this regulation which is untaken in that leave year or has been taken but not paid in accordance with regulation 16.

(18) Annual leave that has been carried forward pursuant to paragraph (17) cannot be carried forward beyond the end of the first full leave year in which paragraph (17) does not apply.]

Textual Amendments

- F1** Reg. 13(A1) inserted (1.1.2024) by [The Employment Rights \(Amendment, Revocation and Transitional Provision\) Regulations 2023 \(S.I. 2023/1426\)](#), regs. 1(2), **3(3)(a)**
- F2** Reg. 13(1) substituted (25.10.2001) by [The Working Time \(Amendment\) Regulations 2001 \(S.I. 2001/3256\)](#), regs. 1(1), **2(2)**
- F3** 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)**
- F4** 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)
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** Words in reg. 13(9)(a) substituted (1.1.2024) by [The Employment Rights \(Amendment, Revocation and Transitional Provision\) Regulations 2023 \(S.I. 2023/1426\)](#), regs. 1(2), **3(3)(b)**
- F10** Reg. 13(10)-(13) omitted (1.1.2024) by virtue of [The Employment Rights \(Amendment, Revocation and Transitional Provision\) Regulations 2023 \(S.I. 2023/1426\)](#), regs. 1(2), **3(3)(c)** (with reg. 4)
- F11** Reg. 13(14)-(18) inserted (1.1.2024) by [The Employment Rights \(Amendment, Revocation and Transitional Provision\) Regulations 2023 \(S.I. 2023/1426\)](#), regs. 1(2), **3(3)(d)**

Changes to legislation:

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