
STATUTORY INSTRUMENTS

1998 No. 1833

The Working Time Regulations 1998

PART III

EXCEPTIONS

[^{F1}Entitlement to additional annual leave under a relevant agreement

26A.—(1) Regulation 13A does not apply in relation to a worker whose employer, as at 1st October 2007 and by virtue of a relevant agreement, provides each worker employed by him with an annual leave entitlement of 1.6 weeks or 8 days (whichever is the lesser) in addition to each worker's entitlement under regulation 13, provided that such additional annual leave—

- (a) may not be replaced by a payment in lieu except in relation to a worker whose employment is terminated;
- (b) may not be carried forward into a leave year other than that which immediately follows the leave year in respect of which the leave is due; and
- (c) is leave for which the worker is entitled to be paid at not less than the rate of a week's pay in respect of each week of leave, calculated in accordance with sections 221 to 224 of the 1996 Act, modified such that—
 - (i) references to the employee are references to the worker;
 - (ii) references to the employee's contract of employment are references to the worker's contract;
 - (iii) the calculation date is the first day of the period of leave in question; and
 - (iv) the references to sections 227 and 228 do not apply.

(2) Notwithstanding paragraph (1), any additional annual leave in excess of 1.6 weeks or 8 days (whichever is the lesser) to which a worker is entitled, shall not be subject to the conditions of that paragraph.

(3) This regulation shall cease to apply to a worker from the day when an employer ceases to provide additional annual leave in accordance with the conditions in paragraph (1).

(4) This regulation does not apply to workers to whom the Agricultural Wages (Scotland) Act 1949 applies (as that Act had effect on 1 July 1999).]

Textual Amendments

- F1** [Reg. 26A](#) inserted (1.10.2007) by [The Working Time \(Amendment\) Regulations 2007 \(S.I. 2007/2079\)](#), regs. 1(2), **2(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Working Time Regulations 1998, Section 26A.