
STATUTORY INSTRUMENTS

1999 No. 584

The National Minimum Wage Regulations 1999

PART III

**WORKING TIME FOR THE PURPOSES
OF THE NATIONAL MINIMUM WAGE**

Provisions in relation to working time

Provisions in relation to time work

15.—(1) In addition to time when a worker is working, time work includes time when a worker is available at or near a place of work, other than his home, for the purpose of doing time work and is required to be available for such work except that, in relation to a worker who by arrangement sleeps at or near a place of work, time during the hours he is permitted to sleep shall only be treated as being time work when the worker is awake for the purpose of working.

(2) Time when a worker is travelling for the purpose of duties carried out by him in the course of time work shall be treated as being time work except where—

- (a) the travelling is incidental to the duties, to the extent that the time is time when the worker would not otherwise be working; or
- (b) the travel is between the worker's home and his place of work or between an address where he is temporarily residing, other than for the purposes of performing work, and his place of work.

(3) For the purposes of paragraph (2)(a) travelling is incidental to the duties carried out by a worker unless duties involved in his work are necessarily carried out in the course of the travelling, as in the case of a worker driving a bus, serving in a bar on a train or whose main duty is to transport items from one place to another.

(4) Where a worker's hours of work vary either as to their length or in respect of the time at which they are performed and, as a result, it is uncertain in relation to particular time when the worker is travelling whether he would otherwise be working, that time shall be treated, for the purposes of paragraph (2)(a), as time when he would otherwise be working.

(5) Except as mentioned in paragraph (2) and regulation 19, time work does not include time when a worker is absent from work.

(6) A worker engaged in taking industrial action in the course of time work shall be treated as being absent from work for the time during which he is so engaged.

(7) Where a worker is entitled to a rest break in the course of time work, the period of the break shall be treated as time when the worker is absent from work; but a worker shall not be treated as being entitled to any rest breaks during time which is required to be treated as time work by paragraph (2).

Provisions in relation to salaried hours work

16.—(1) Time when a worker is available at or near a place of work, other than his home, for the purpose of doing salaried hours work and is required to be available for such work shall be treated as being working hours for the purpose of and to the extent mentioned in regulation 22(3)(d) and (4)(b) except that, in relation to a worker who by arrangement sleeps at or near a place of work, time during the hours he is permitted to sleep shall only be treated as being working hours when the worker is awake for the purpose of working.

(2) Time when a worker is travelling for the purpose of duties carried out by him in the course of salaried hours work shall be treated as being working hours for the purpose of and to the extent mentioned in regulation 22(3)(d) and (4)(b) except where—

- (a) the travelling is incidental to the duties, to the extent that the time is time when the worker would not otherwise be working; or
- (b) the travel is between the worker's home and his place of work or between an address where he is temporarily residing, other than for the purposes of performing work, and his place of work.

(3) For the purposes of paragraph (2)(a) travelling is incidental to the duties carried out by a worker unless duties involved in his work are necessarily carried out in the course of the travelling, as in the case of a worker driving a bus, serving in a bar on a train or whose main duty is to transport items from one place to another.

(4) Where a worker's hours of work vary either as to their length or in respect of the time at which they are performed and, as a result, it is uncertain in relation to particular time when the worker is travelling whether he would otherwise be working, that time shall be treated, for the purposes of paragraph (2)(a), as time when he would otherwise be working.

(5) Time when a worker is—

- (a) attending at a place other than his normal place of work, when he would otherwise be working, for the purpose of receiving training wholly or mainly in connection with salaried hours work that has been approved by his employer,
- (b) travelling, when he would otherwise be working, between a place of work and a place where he is receiving such training, or
- (c) receiving such training at his normal place of work, shall be treated as working hours for the purpose of and to the extent mentioned in regulation 22(3)(d) and (4)(b).

Provisions in relation to output work

17.—(1) Time spent by a worker in travelling for the purposes of doing output work shall be treated as time spent doing output work except for time spent travelling between his home, or a place where he is temporarily residing, and—

- (a) premises from which he works; or
- (b) except in the case of a worker whose work consists in producing tangible items at his home, premises to which he reports.

(2) A worker shall not be treated as doing output work, for the purpose of regulation 24, during time when he is engaged in taking industrial action nor as having worked, for the purpose of regulation 26, during such time.

Provisions in relation to unmeasured work

18.—(1) Time when a worker is travelling for the purpose of unmeasured work shall be treated as being unmeasured work.

(2) A worker shall not be treated as carrying out his contractual duties to do unmeasured work, for the purpose of regulation 27, during time when he is engaged in taking industrial action, nor as being available to carry out those duties, for the purpose of regulation 29, during such time.

Time spent on training to be time work

19.—(1) Time when a worker is—

- (a) attending at a place other than his normal place of work, when he would otherwise be working, for the purpose of receiving training that has been approved by his employer,
- (b) travelling, when he would otherwise be working, between a place of work and a place where he is receiving such training, or
- (c) receiving such training at his normal place of work,

shall be treated as time work.

(2) Where a worker's hours of work vary either as to their length or in respect of the time at which they are performed and, as a result, it is uncertain in relation to particular time when the worker is attending at a place or travelling, whether he would otherwise be working, that time shall be treated for the purposes of paragraph (1)(a) or, as the case may be, (1)(b) as time when he would otherwise be working.

(3) Paragraph (1) does not apply in relation to training wholly or mainly in connection with salaried hours work.