
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 315

The Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008

Interpretation

2.—(1) In these Regulations—

“collective agreement” means a collective agreement within the meaning of Article 2(4) of the Industrial Relations (Northern Ireland) Order 1992(1), the trade union parties to which are independent trade unions within the meaning of paragraph (2) of that Article;

“cross-border worker” means any worker who is a member of a train crew and who is assigned to interoperable cross-border services for more than one hour on a daily shift basis;

“driver” means a cross-border worker in charge of operating a traction unit;

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

“employment”, in relation to a cross-border worker, means employment under the worker’s contract, and “employed” shall be construed accordingly;

“the Executive” means the Health and Safety Executive for Northern Ireland referred to in Article 3(1) of the Health and Safety at Work (Amendment) (Northern Ireland) Order 1998(2);

“inspector” means a person appointed under paragraph 1 of Schedule 2;

“interoperable cross-border services” are services to the Republic of Ireland, in respect of which at least two safety certificates are required, as stipulated by Article 10 of Directive 2004/49/EC of the European Parliament and the Council of 29th April 2004(3);

“leave year” for a cross-border worker begins on—

- (a) such date as is provided for in a relevant agreement, or
- (b) if there are no provisions of a relevant agreement which apply, on 1 January;

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

“relevant training” means work experience provided pursuant to 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;

(1) S.I.1992/807 (N.I. 5)

(2) Formerly known as the Health and Safety Agency for Northern Ireland which was established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)). Article 3(1) of the Health and Safety at Work (Amendment) (Northern Ireland) Order 1998 (S.I. 1998/2795 (N.I. 18)) changed its name to the Health and Safety Executive for Northern Ireland

(3) O.J. No. L164, 30.4.04, p. 44

“rest period” means any period which is not working time;

“week” means a period of seven days which starts at such time as is determined for the purposes of these Regulations by a relevant agreement, or in default of such a determination at midnight at the beginning of Monday;

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

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

- (a) any period during which a cross-border worker is working, at the employer’s disposal and carrying out the worker’s activities or duties,
- (b) any period during which the worker 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.

(2) The Interpretation Act (Northern Ireland) 1954⁽⁴⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

⁽⁴⁾ 1954 c. 33 (N.I.)