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## STATUTORY INSTRUMENTS

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# 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).