

2001 No. 3256

TERMS AND CONDITIONS OF EMPLOYMENT

The Working Time (Amendment) Regulations 2001

Made - - - - - 26th September 2001

Laid before Parliament 27th September 2001

Coming into force - - 25th October 2001

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to the organisation of working time(b), in exercise of the powers conferred on her by that provision hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Working Time (Amendment) Regulations 2001 and shall come into force on 25th October 2001.

(2) In these Regulations, “the Principal Regulations” means the Working Time Regulations 1998(c).

Amendments to Regulations

2.—(1) Regulation 13 of the Principal Regulations shall be amended as follows.

(2) The following paragraph shall be substituted for paragraph (1)—

“(1) Subject to paragraph (5), a worker is entitled to four weeks’ annual leave in each leave year.”

(3) Paragraph (2) shall be omitted.

(4) In paragraph (5), for “paragraph (2)” there shall be substituted “paragraph (1)”.

(5) In paragraph (6), “(2)(b) or” shall be omitted.

(6) Paragraphs (7) and (8) shall be omitted.

3. In regulations 14(1) and (3), 15(1) and (2) and 30(1) of the Principal Regulations, for “regulation 13(1)” there shall be substituted “regulation 13.”

4. The following regulation shall be inserted after regulation 15—

“Leave during the first year of employment

15A.—(1) During the first year of his employment, the amount of leave a worker may take at any time in exercise of his entitlement under regulation 13 is limited to the amount which is deemed to have accrued in his case at that time under paragraph (2), as modified under paragraph (3) in a case where that paragraph applies, less the amount of leave (if any) that he has already taken during that year.

(a) 1972 c. 68.

(b) S.I. 1997/1174.

(c) S.I. 1998/1833, to which there are amendments not relevant to these Regulations.

(2) For the purposes of paragraph (1), leave is deemed to accrue over the course of the worker's first year of employment, at the rate of one-twelfth of the amount specified in regulation 13(1) on the first day of each month of that year.

(3) Where the amount of leave that has accrued in a particular case includes a fraction of a day other than a half-day, the fraction shall be treated as a half-day if it is less than a half-day and as a whole day if it is more than a half-day.

(4) This regulation does not apply to a worker whose employment began on or before 25th October 2001."

26th September 2001

Alan Johnson
Minister of State for the Regions and Employment Relations,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend provisions of the Working Time Regulations 1998.

Regulation 13 of those Regulations is amended to provide that the amount of leave to which a worker is entitled in a leave year is four weeks, except in the case (provided for in paragraph (5) of the regulation) where a worker's employment begins after the start of a leave year. Spent provisions concerning the amount of leave to which a worker was entitled in leave years beginning before 23rd November 1999 are revoked. The provisions of regulation 13 limiting entitlement to annual leave to workers who have been continuously employed for thirteen weeks are also revoked. References to regulation 13 elsewhere in the Regulations are modified to take account of the fact that both paragraph (1) and paragraph (5) will apply in some cases.

A new regulation 15A is inserted, limiting the extent to which a worker is able to exercise his entitlement to leave during the course of his first year of employment. The amount of leave a worker may take at any time is limited to the amount that he has "accrued" at that time; accrual is at the rate of one-twelfth of the annual entitlement at the beginning of each month.

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