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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Council Directive [2000/34/EC](#) (OJNo. L195, 1.8.2000, p. 41). That Directive amends Council Directive [93/104/EC](#) so that the provisions of the 1993 Directive, which concerned certain aspects of the organisation of working time, now apply to sectors and activities which were previously excluded from the scope of the 1993 Directive. Council Directive [93/104/EC](#) was implemented by the Working Time Regulations 1998 (“the 1998 Regulations”) and these Regulations amend the provisions of the 1998 Regulations.

Regulation 3 amends regulation 2 of the 1998 Regulations to define “ fishing vessel”, “mobile worker”, “offshore work” and “ship ”.

Regulation 4 substitutes a new regulation 18 of the 1998 Regulations to disapply wholly or partially the provisions of the 1998 Regulations for certain workers. The 1998 Regulations are disappplied in their entirety in the case of workers to whom Council Directive [1999/63/EC](#) applies (seafarers); workers on board sea-going fishing vessels and workers on certain ships and hovercraft on inland waterways.

In the case of workers in the armed forces or emergency services (where their activities conflict with the Regulations), workers covered by Council Directive [2000/79/EC](#) (crew members on board civil aircraft) and doctors in training certain provisions are disappplied. The relevant provisions are the weekly working time and night work limits; the daily, weekly and in-work rest periods; the entitlement to paid annual leave; the right to a health assessment if a night worker and pattern of work protection for certain categories of worker. In the case of doctors in training the disapplication only has effect until 31st July 2004.

In the case of mobile workers covered by the Road Transport Directive [2002/15/EC](#) fewer provisions are disappplied; these are, the weekly working time and night work limits; the daily, weekly and in-work rest periods and pattern of work protection for certain categories of worker.

Regulation 5 amends regulation 21 by adding to the list of special cases to which the night work limits and daily, weekly and in-work rest provisions do not apply in various circumstances, subject to the workers receiving compensatory rest. One additional special case is where the worker is engaged in the carriage of passengers on regular urban transport services. Another is where the worker works in rail transport and his activities are intermittent, he spends time working on board trains, or his activities are linked to transport timetables and to ensuring the continuity and regularity of traffic.

Regulation 6 inserts a new regulation 24A in the 1998 Regulations, which excludes mobile workers from night work restrictions and rest entitlements. Instead, these workers are entitled to “adequate rest” as defined in paragraph 24A(3).

Regulation 7 inserts a new regulation 25A in the 1998 Regulations, which provides for the 48-hour working time limit for doctors in training to be phased in over a period ending on 31 July 2009. Regulation 7 also replaces the 17-week reference period for doctors in training with a period of 26 weeks from 1 August 2004.

Regulation 8 inserts a new regulation 25B in the 1998 Regulations, which provides for a 52-week reference period for workers employed in offshore work.

Regulation 9 revokes regulation 26.

Regulation 10 substitutes new regulations 28–29E concerning enforcement and offences. These essentially replicate the provisions contained in the 1998 Regulations but provide for enforcement

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

by the Civil Aviation Authority and the Vehicle and Operator Services Agency in addition to the Health and Safety Executive and local authorities.

Regulation 11 amends regulation 30 of the 1998 Regulations entitling mobile workers to seek redress through an employment tribunal where an employer has refused to allow adequate rest.

Regulation 12 inserts a new Schedule 3, which provides for the enforcement authorities to enforce through inspectors and sets out the powers of the inspectors.

A Regulatory Impact Assessment (RIA) of the costs and benefits of these Regulations to business, and a Transposition Note explaining how certain of the amendments provided for give effect to Council Directive [2000/34/EC](#) have been placed in the libraries of both Houses of Parliament. Copies of the RIA and Transposition Note are available to the public from the Employment Relations Directorate, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET, and are also accessible at the Directorate's website: [www.dti.gov.uk/er](http://www.dti.gov.uk/er)