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STATUTORY INSTRUMENTS

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**2003 No. 3049**

**The Merchant Shipping (Working Time:  
Inland Waterways) Regulations 2003**

**PART 3**

**EXCEPTIONS**

**Unmeasured working time**

**13.**—(1) Regulation 6(1) and (2) does not apply in relation to a worker where, on account of the specific characteristics of the activity in which he is engaged, the duration of his working time is not measured or pre-determined or can be determined by the worker himself, as may be the case for—

- (a) managing executives or other persons with autonomous decision-taking powers, or
- (b) family workers.

(2) Where part of the working time of a worker is measured or pre-determined or cannot be determined by the worker himself but the specific characteristics of the activity are such that, without being required to do so by the employer, the worker may also do work the duration of which is not measured or pre-determined or can be determined by the worker himself, regulation 6(1) and (2) shall apply only to so much of his work as is measured or pre-determined or cannot be determined by the worker himself.

**Other special cases**

**14.** This regulation(1) applies to a worker—

- (a) where the worker is engaged in security and surveillance activities requiring a permanent presence in order to protect property and persons, as may be the case for security guards and caretakers;
- (b) where the worker's activities involve the need for continuity of service or production, as may be the case in relation to—
  - (i) work at docks;
  - (ii) industries in which work cannot be interrupted on technical grounds;
  - (iii) the carriage of passengers on regular urban transport services;
- (c) where there is a foreseeable surge of activity, as may be the case in relation to tourism;
- (d) where the worker's activities are affected by—
  - (i) an occurrence due to unusual and unforeseeable circumstances, beyond the control of the worker's employer;
  - (ii) exceptional events, the consequences of which could not have been avoided despite the exercise of all due care by the employer; or

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(1) Regulation 14 is relevant to regulations 6(5) and 10(4).

(iii) an accident or the imminent risk of an accident.

**Collective and workforce agreements**

**15.** A collective agreement or workforce agreement may for objective or technical reasons or reasons concerning the organisation of work, modify the application of regulation 6(3) and (4) in relation to particular workers or groups of workers by the substitution, for each reference to 17 weeks, of a different period (being a period not exceeding 52 weeks).