

**EXPLANATORY MEMORANDUM TO**  
**THE WORKING TIME REGULATIONS 1998 (AMENDMENT) ORDER 2005**

**2005 No. 2241**

**1.** This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 This order amends Regulation 41 of the Working Time Regulations 1998 (“the 1998 Regulations”) in consequence of the coming into force of section 158 of the Serious Organised Crime and Police Act 2005 (“the 2005 Act”). Regulation 41 is amended so that in respect of breaches of the 1998 Regulations chief officers shall, in the absence of consent, connivance or neglect, be treated as corporation soles (distinct juristic persons in Scotland).

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Background**

4.1 This Order is made under section 173 of the Serious Organised Crime and Police Act 2005 and is the first use of that enabling power. Section 173(1) permits an order to make supplementary or incidental provision in consequence of any provision made by the 2005 Act.

**5. Extent**

5.1 This instrument applies to Great Britain.

**6. European Convention on Human Rights**

6.1 No statement is required.

**7. Policy background**

7.1 Section 158 of the Serious Organised Crime and Police Act 2005 amended the Health and Safety at Work etc. Act 1974. Government policy is that chief officers should not be prosecuted for breaches of health and safety related legislation which occur without personal consent, connivance or neglect on their part. This Order makes a similar change to the 1998 Regulations.

7.2 The Scottish Ministers were consulted on the terms of this Order as required by section 173 (4) of the 2005 Act.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

Mark Collins at the Home Office Tel: 020 7035 1885 or e-mail: [Mark.Collins@homeoffice.gsi.gov.uk](mailto:Mark.Collins@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.