
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2016 No.

The Working Time Regulations (Northern Ireland) 2016

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Working Time Regulations (Northern Ireland) 2016 and shall come into operation on.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(1), except section 39(2), shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

“the 1996 Order” means the Employment Rights (Northern Ireland) Order 1996(2);

“adult worker” means a worker who has attained the age of 18;

“the armed forces” means any of the naval, military and air forces of the Crown;

“calendar year” means the period of twelve months beginning with 1st January in any year;

“the civil protection services” includes the police, fire services and ambulance services, the security and intelligence services, customs and immigration officers, the prison service, the coastguard, and lifeboat crew and other voluntary rescue services;

“collective agreement” means a collective agreement within the meaning of Article 2 of the Industrial Relations (Northern Ireland) Order 1992(3), the trade union parties to which are independent trade unions within the meaning of that Article;

“day” means a period of 24 hours beginning at midnight;

“employer”, in relation to a worker, means the person by whom the worker is (or, where the employment has ceased, was) employed;

“employment”, in relation to a worker, means employment under the worker’s contract;

“the Executive” means the Health and Safety Executive for Northern Ireland;

“mobile worker” means any worker employed as a member of travelling or flying personnel by an undertaking which operates transport services for passengers or goods by road or air;

“night time”, in relation to a worker, means a period—

(a) the duration of which is not less than seven hours, and

(b) which includes the period between midnight and 5 a.m.,

(1) 1954 c. 33 (N.I.)

(2) S.I. 1996/1919 (N.I. 16)

(3) S.I. 1992/807 (N.I. 5); the definition of “collective agreement” was amended by Article 150(2) of, and Schedule 2 to, the Trade Union and Labour Relations (Northern Ireland) Order 1995 (S.I. 1995/1980 (N.I. 12))

which is determined for the purposes of these Regulations by a relevant agreement, or, in default of such a determination, the period between 11 p.m. and 6 a.m.;

“night work” means work during night time;

“night worker” means a worker—

- (a) who, as a normal course, works at least three hours of the worker’s daily working time during night time, or
- (b) who is likely, during night time, to work at least such proportion of the worker’s annual working time as may be specified for the purposes of these Regulations in a collective agreement or a workforce agreement;

and, for the purpose of paragraph (a) of this definition, a person works hours as a normal course (without prejudice to the generality of that expression) if that person works such hours on the majority of days on which the person works;

“offshore work” means work performed mainly on or from offshore installations (including drilling rigs), directly or indirectly in connection with the exploration, extraction or exploitation of mineral resources, including hydrocarbons, and diving in connection with such activities, whether performed from an offshore installation or a vessel, including any such work performed in the territorial waters of the United Kingdom adjacent to Northern Ireland or in an area or part of an area designated under section 1(7) of the Continental Shelf Act 1964⁽⁴⁾ in which the law of Northern Ireland applies⁽⁵⁾;

“registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983⁽⁶⁾;

“relevant agreement”, in relation to a worker, means a workforce agreement which applies to the worker, any provision of a collective agreement which forms part of a contract between the worker and the worker’s employer, or any other agreement in writing which is legally enforceable as between the worker and the employer;

“relevant training” means work experience provided pursuant to a training course or programme, training for employment, or both, other than work experience or training—

- (a) the immediate provider of which is an educational institution or a person whose main business is the provision of training, and
- (b) which is provided on a course run by that institution or person;

“rest period”, in relation to a worker, means a period which is not working time, other than a rest break or leave to which the worker is entitled under these Regulations;

“the restricted period”, in relation to a worker, means the period between 10 p.m. and 6 a.m. or, where the worker’s contract provides for the worker to work after 10 p.m., the period between 11 p.m. and 7 a.m.;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“worker” means an individual who has entered into or works under (or, where the employment has ceased, worked under)—

- (a) a contract of employment; or
- (b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract

(4) 1964 c. 29

(5) See the Civil Jurisdiction (Offshore Activities) Order 1987 (S.I. 1987/2197)

(6) 1983 c. 54

that of a client or customer of any profession or business undertaking carried on by the individual;

and any reference to a worker's contract shall be construed accordingly;

"worker employed in agriculture" has the same meaning as in the Agricultural Wages (Regulation) (Northern Ireland) Order 1977(7) and a reference to a worker partly employed in agriculture is to a worker employed in agriculture whose employer also employs that worker for non-agricultural purposes;

"workforce agreement" means an agreement between an employer and workers employed by that employer or their representatives in respect of which the conditions set out in Schedule 1 are satisfied;

"working time", in relation to a worker, means—

- (a) any period during which the worker is working, at the employer's disposal and carrying out the worker's activities or duties,
- (b) any period during which the worker is receiving relevant training, and
- (c) any additional period which is to be treated as working time for the purpose of these Regulations under a relevant agreement;

and "work" shall be construed accordingly; and

"young worker" means a worker who has not attained the age of 18 and who is over compulsory school age within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986(8).

(3) In the absence of a definition in these Regulations, words and expressions used in particular provisions which are also used in corresponding provisions of the [Directive 2003/88/EC](#) of the European Parliament and of the Council of 4th November 2003 concerning certain aspects of the organisation of working time(9) or the [Directive 94/33/EC](#) of the European Parliament and of the Council of 22nd June 1994 on the protection of young people at work(10) have the same meaning as they have in those corresponding provisions.

(7) [S.I. 1977/2151 \(N.I. 22\)](#)

(8) [S.I. 1986/594 \(N.I. 3\)](#); Article 46 was substituted by Article 156 of the Education Reform (Northern Ireland) Order 1989 ([S.I. 1989/2406 \(N.I. 20\)](#))

(9) O.J. No. L299, 18.11.03, p. 9

(10) O.J. No. L216, 20.8.94, p. 12