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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 386**

**Working Time Regulations (Northern Ireland) 1998**

**Part I**

**General**

**Interpretation**

**2.—(1)** The Interpretation Act (Northern Ireland) 1954(1), except section 39(2), shall apply to these Regulations as it applies to a Measure 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 his contract;

“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.,

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 his daily working time during night time, or

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(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)

- (b) who is likely, during night time, to work at least such proportion of his 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 he works such hours on the majority of days on which he works;

“registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983(4);

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

“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 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(5) and a reference to a worker partly employed in agriculture is to a worker employed in agriculture whose employer also employs him for non-agricultural purposes;

“workforce agreement” means an agreement between an employer and workers employed by him 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 he is working, at his employer’s disposal and carrying out his activity or duties,
- (b) any period during which he 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;

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(4) 1983 c. 54

(5) S.I. 1977/2151 (N.I. 22)

and “work” shall be construed accordingly;

“Working Time Directive” means Council Directive [93/104/EC](#) of 23rd November 1993 concerning certain aspects of the organisation of working time<sup>(6)</sup>;

“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<sup>(7)</sup>; and

“Young Workers Directive” means Council Directive [94/33/EC](#) of 22nd June 1994 on the protection of young people at work<sup>(8)</sup>.

(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 Working Time Directive or the Young Workers Directive have the same meaning as they have in those corresponding provisions.

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<sup>(6)</sup> O.J. No. L307, 13.12.93, p. 18

<sup>(7)</sup> 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 \(N.I. 20\)](#)

<sup>(8)</sup> O.J. No. L216, 20.8.94, p. 12