
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 386

Working Time Regulations (Northern Ireland) 1998

Part II

Rights and Obligations Concerning Working Time

Agreement to exclude the maximum

5.—(1) The limit specified in regulation 4(1) shall not apply in relation to a worker who has agreed with his employer in writing that it should not apply in his case, provided that the employer complies with the requirements of paragraph (4).

- (2) An agreement for the purposes of paragraph (1)—
 - (a) may either relate to a specified period or apply indefinitely; and
 - (b) subject to any provision in the agreement for a different period of notice, shall be terminable by the worker giving not less than seven days' notice to his employer in writing.
- (3) Where an agreement for the purposes of paragraph (1) makes provision for the termination of the agreement after a period of notice, the notice period provided for shall not exceed three months.
- (4) The requirements referred to in paragraph (1) are that the employer—
 - (a) maintains up-to-date records which—
 - (i) identify each of the workers whom he employs who has agreed that the limit specified in regulation 4(1) should not apply in his case;
 - (ii) set out any terms on which the worker agreed that the limit should not apply; and
 - (iii) specify the number of hours worked by him for the employer during each reference period since the agreement came into effect (excluding any period which ended more than two years before the most recent entry in the records);
 - (b) permits any inspector appointed by the Department of Economic Development or any other authority which is responsible under regulation 28 for the enforcement of these Regulations to inspect those records on request; and
 - (c) provides any such inspector with such information as he may request regarding any case in which a worker has agreed that the limit specified in regulation 4(1) should not apply in his case.