
STATUTORY INSTRUMENTS

1998 No. 1833

The Working Time Regulations 1998

PART IV

MISCELLANEOUS

[^{F1} Enforcement

28.—(1) In this regulation, regulations 29–29E and Schedule 3—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

[^{F2}“2013 Act” means the Energy Act 2013;]

“the Civil Aviation Authority” means the authority referred to in section 2(1) of the Civil Aviation Act 1982;

“code of practice” includes a standard, a specification and any other documentary form of practical guidance;

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...

[^{F4}“DVSA” means the Driver and Vehicle Standards Agency;]

“enforcement authority” means the Executive, a local authority, the Civil Aviation Authority [^{F5}, [^{F6}DVSA][^{F7}, the ONR] or the [^{F8}Office of Rail and Road]];

“the Executive” means the Health and Safety Executive referred to in [^{F9}section 10(1)] of the 1974 Act;

“local authority” means—

- (a) in relation to England, a county council so far as they are the council for an area for which there are no district councils, a district council, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple;
- (b) in relation to Wales, a county council or a county borough council;
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

[^{F10}“ONR” means the Office for Nuclear Regulation;]

“premises” includes any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft or hovercraft;
- (b) any installation on land (including the foreshore and other land intermittently covered by water), any offshore installation, and any other installation (whether floating, or resting on the seabed or the subsoil thereof, or resting on other land covered with water or the subsoil thereof) and
- (c) any tent or movable structure;

“relevant civil aviation worker” means a mobile worker who works mainly on board civil aircraft, excluding any worker to whom regulation 18(2)(b) applies;

[^{F11}“relevant nuclear provisions” means—

- (a) sections 1, 3 to 6, 22 and 24A of the Nuclear Installations Act 1965;
- (b) the provisions of the 2013 Act;
- (c) the provisions of nuclear regulations other than any provision of such regulations identified in accordance with section 74(9) of the 2013 Act as made for the nuclear safeguards purposes;]

[^{F11}“relevant nuclear site” means a site which is—

- (a) a GB nuclear site (within the meaning given by section 68 of the 2013 Act);
- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations);]

“the relevant requirements” means the following provisions—

- (a) regulations 4(2), 5A(4), 6(2) and (7), 6A, 7(1), (2) and (6), 8, 9 and 27A(4)(a);
- (b) regulation 24, in so far as it applies where regulation 6(1), (2) or (7) is modified or excluded, and
- (c) regulation 24A(2), in so far as it applies where regulations 6(1), (2) or (7) is excluded;

“relevant road transport worker” means a mobile worker to whom one or more of the following applies—

- (a) [^{F12}Council Regulation (EC) No 561/2006],
- (b) the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) of 1st July 1970, and
- (c) the United Kingdom domestic driver’s hours code, which is set out in Part VI of the Transport Act 1968;

“the relevant statutory provisions” means—

- (a) the provisions of the 1974 Act and of any regulations made under powers contained in that Act; and
- (b) while and to the extent that they remain in force, the provisions of the Acts mentioned in Schedule 1 to the 1974 Act and which are specified in the third column of that Schedule and the regulations, orders or other instruments of a legislative character made or having effect under a provision so specified ^{F13}...

^{F13} ...

(2) It shall be the duty of the Executive to make adequate arrangements for the enforcement of the relevant requirements except to the extent that—

- (a) a local authority is made responsible for their enforcement by paragraph (3);
- (b) the Civil Aviation Authority is made responsible for their enforcement by paragraph (5);^{F14}...
- (c) [^{F15}DVSA] is made responsible for their enforcement by paragraph (6);
- [^{F16}(d) the Office of Rail Regulation is made responsible for their enforcement by paragraph (3A)];
- [^{F17}(e) the ONR is made responsible for their enforcement by paragraph (3AA).]

(3) Where the relevant requirements apply in relation to workers employed in premises in respect of which a local authority is responsible, under the Health and Safety (Enforcing Authority) Regulations 1998, for enforcing any of the relevant statutory provisions, it shall be the duty of that authority to enforce those requirements.

[^{F18}(3A) Where the relevant requirements apply in relation to workers employed in the carrying out of any of the activities specified in regulation 3(2) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 it shall be the duty of the the Office of Rail Regulation to enforce those requirements.]

[^{F19}(3AA) Where the relevant requirements apply in relation to workers employed in premises which are or are on a relevant nuclear site, it shall be the duty of the ONR to enforce those requirements.]

(4) The duty imposed on local authorities by paragraph (3) shall be performed in accordance with such guidance as may be given to them by [^{F20}the Executive].

(5) It shall be the duty of the Civil Aviation Authority to enforce the relevant requirements in relation to relevant civil aviation workers.

(6) It shall be the duty of [^{F21}DVSA] to enforce the relevant requirements in relation to relevant road transport workers.

(7) The provisions of Schedule 3 shall apply in relation to the enforcement of the relevant requirements.

^{F22}(8)]

Textual Amendments

- F1** Regs. 28-29E substituted for regs. 28, 29 (1.8.2003) by [The Working Time \(Amendment\) Regulations 2003 \(S.I. 2003/1684\)](#), reg. 1, **10**
- F2** Words in reg. 28(1) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 81(2)(a)** (with Sch. 4)
- F3** Words in reg. 28(1) omitted (1.4.2008) by virtue of [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 1, **Sch. 3** (with art. 21)
- F4** Words in reg. 28(1) inserted (1.4.2014) by [The Driving Standards Agency and the Vehicle and Operator Services Agency \(Merger\) \(Consequential Amendments\) Regulations 2014 \(S.I. 2014/480\)](#), reg. 1, **9(2)(c)** (with reg. 9(5)-(8))
- F5** Words in reg. 28(1) substituted (1.4.2006) by [The Health and Safety \(Enforcing Authority for Railways and Other Guided Transport Systems\) Regulations 2006 \(S.I. 2006/557\)](#), reg. 1, **Sch. para. 7(a)**
- F6** Word in reg. 28(1) substituted (1.4.2014) by [The Driving Standards Agency and the Vehicle and Operator Services Agency \(Merger\) \(Consequential Amendments\) Regulations 2014 \(S.I. 2014/480\)](#), reg. 1, **9(2)(a)** (with reg. 9(5)-(8))
- F7** Words in reg. 28(1) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 81(2)(b)** (with Sch. 4)
- F8** Words in reg. 28(1) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 10(d)**
- F9** Words in reg. 28(1) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 1, **Sch. 3** (with art. 21)
- F10** Words in reg. 28(1) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 81(2)(c)** (with Sch. 4)

- F11** Words in reg. 28(1) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 3 para. 81(2)(d)** (with Sch. 4)
- F12** Words in reg. 28(1) substituted (5.3.2019) by The Employment Rights (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/535), reg. 1(2), **Sch. 1 para. 9** (with Sch. 1 para. 22)
- F13** Words in reg. 28(1) omitted (1.4.2014) by virtue of The Driving Standards Agency and the Vehicle and Operator Services Agency (Merger) (Consequential Amendments) Regulations 2014 (S.I. 2014/480), regs. 1, **9(2)(b)** (with reg. 9(5)-(8))
- F14** Word in reg. 28(2)(b) omitted (1.4.2006) by virtue of The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (S.I. 2006/557), reg. 1, **Sch. para. 7(b)(i)**
- F15** Word in reg. 28(2)(c) substituted (1.4.2014) by The Driving Standards Agency and the Vehicle and Operator Services Agency (Merger) (Consequential Amendments) Regulations 2014 (S.I. 2014/480), regs. 1, **9(3)** (with reg. 9(5)-(8))
- F16** Reg. 28(2)(d) inserted (1.4.2006) by The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (S.I. 2006/557), reg. 1, **Sch. para. 7(b)(ii)**
- F17** Reg. 28(2)(e) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 3 para. 81(3)** (with Sch. 4)
- F18** Reg. 28(3A) inserted (1.4.2006) by The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (S.I. 2006/557), reg. 1, **Sch. para. 7(c)**
- F19** Reg. 28(3AA) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 3 para. 81(4)** (with Sch. 4)
- F20** Words in reg. 28(4) substituted (1.4.2008) by The Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21)
- F21** Word in reg. 28(6) substituted (1.4.2014) by The Driving Standards Agency and the Vehicle and Operator Services Agency (Merger) (Consequential Amendments) Regulations 2014 (S.I. 2014/480), regs. 1, **9(4)** (with reg. 9(5)-(8))
- F22** Reg. 28(8) omitted (1.4.2008) by virtue of The Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21)

Changes to legislation:

There are currently no known outstanding effects for the The Working Time Regulations 1998, Section 28.