

2009 No. 2766

TERMS AND CONDITIONS OF EMPLOYMENT

The Working Time (Amendment) (No. 2) Regulations 2009

<i>Made</i> - - - -	<i>14th October 2009</i>
<i>Laid before Parliament</i>	<i>15th October 2009</i>
<i>Coming into force</i> - -	<i>2nd November 2009</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to the organisation of working time(b);

Accordingly the Secretary of State, in exercise of the powers conferred by section 2(2) of that Act, makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Working Time (Amendment) (No. 2) Regulations 2009 and shall come into force on 2nd November 2009.

Amendments to regulation 25A of the Working Time Regulations 1998

2. In regulation 25A (doctors in training) of the Working Time Regulations 1998(c)—

(a) for paragraph (1) substitute—

“(1) Paragraph (1) of regulation 4 is modified in its application to workers to whom this paragraph applies by substituting for the reference to 48 hours a reference to 52 hours—

- (a) in the case of doctors in training who are employed in an employment falling within Table 1 of Schedule 2A, with effect from 1st August 2009 until 31st July 2011; and
- (b) in the case of doctors in training who are employed in an employment falling within Table 2 of Schedule 2A, with effect from 2nd November 2009 until 31st July 2011.”; and

(b) in paragraph (1A)—

- (i) in sub-paragraph (a) for “the table” substitute “Table 1 or Table 2”;
- (ii) in sub-paragraph (b) for “that table” substitute “the applicable table”;
- (iii) in sub-paragraph (c) for “that table” substitute “the applicable table”; and
- (iv) in sub-paragraph (d) for “that table” substitute “the applicable table”.

(a) 1972 c.68; section 2 was amended by section 27 of the Legislative and Regulatory Reform Act 2006.

(b) S.I. 1997/1174.

(c) S.I. 1998/1833; regulation 25A and Schedule 2A were inserted by S.I. 2009/1567 and other relevant amendments were made by S.I. 1999/3372 and S.I. 2003/1684.

Amendments to Schedule 2A to the Working Time Regulations 1998

3. In Schedule 2A (doctors in training) to the Working Time Regulations 1998(a)—

- (a) after the heading “Doctors in training” start a new line and insert the heading “TABLE 1”; and
- (b) at the end add—

“TABLE 2

<i>Column 1 Employer</i>	<i>Column 2 Place</i>	<i>Column 3 Specialist Services</i>	<i>Column 4 Grade and, where applicable, Rota</i>
<i>England</i>			
East Midlands Strategic Health Authority area			
Chesterfield Royal Hospital NHS Foundation Trust (b)	Chesterfield Royal Hospital	Emergency Medicine	F2, ST1 to ST7
		Obstetrics and Gynaecology	F2, ST1 to ST7
		Paediatrics	F2, ST1 to ST8
Derby Hospitals NHS Foundation Trust (c)	Royal Derby Hospital	Oral Maxillo Facial Surgery	ST3 to ST7
Northampton General Hospital National Health Service Trust (d)	Northampton General Hospital	Emergency Medicine	ST3 to ST7
Nottingham University Hospitals National Health Service Trust (e)	Queens Medical Centre, Nottingham	Neurosurgery	ST4 to ST8
University Hospitals of Leicester National Health Service Trust (f)	Glenfield Hospital	Paediatric (Cardiology and Cardiac Intensive Care)	ST3 to ST8
	Leicester Royal Infirmary and Leicester General Hospital	Neonatology	ST1 to ST3
East of England Strategic Health Authority area			
Cambridge University Hospitals	Addenbrookes Hospital	Anaesthetics	ST3 to ST7 and SpR

- (a) Schedule 2A was inserted by S.I. 2009/1567.
- (b) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) with effect from 1st January 2005. The authorisation under the 2003 Act has effect as if given under section 35 of the National Health Service Act 2006 (c.41), by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006 (c.43).
- (c) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) with effect from 1st July 2004. The authorisation under the 2003 Act has effect as if given under section 35 of the National Health Service Act 2006 (c.41), by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006 (c.43).
- (d) Established by S.I. 1993/2561.
- (e) Established by S.I. 2006/782.
- (f) Established by S.I. 1999/2921, as amended by S.I. 2003/2150.

NHS Foundation Trust(a)			
Norfolk and Norwich University Hospitals NHS Foundation Trust(b)	Norfolk and Norwich University Hospital	Obstetrics and Gynaecology Paediatric Neonatal	ST3 to ST9 and SpR– Tier 3 (partial shift rota (24 hour service)) ST3 to ST8 and SpR – Tier 2 (full shift)
Peterborough and Stamford Hospitals NHS Foundation Trust(c)	Peterborough District Hospital and Edith Cavell Hospital	General Surgery	CT1 and CT2
The Queen Elizabeth Hospital King’s Lynn National Health Service Trust(d)	The Queen Elizabeth Hospital	Obstetrics and Gynaecology	ST3
London Strategic Health Authority area			
The Royal Free Hampstead National Health Service Trust(e)	The Royal Free	Neurosurgery	ST3 to ST8
The Royal Marsden NHS Foundation Trust(f)	The Royal Marsden	Otolaryngology and Plastic Surgery	ST3 to ST8
		Urology and Gynaecology	ST3 to ST8

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- (a) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 with effect from 1st July 2004. The authorisation under the 2003 Act has effect as if given under section 35 of the National Health Service Act 2006, by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006.
- (b) Authorised as an NHS foundation trust under section 35 of the National Health Service Act 2006 with effect from 1st May 2008.
- (c) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 with effect from 1st April 2004. The authorisation under the 2003 Act has effect as if given under section 35 of the National Health Service Act 2006, by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006.
- (d) Established by S.I. 1991/2363, as amended by S.I. 2005/332.
- (e) Established by S.I. 1990/2435, as amended by S.I. 1996/871.
- (f) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 with effect from 1st April 2004. The authorisation under the 2003 Act has effect as if given under section 35 of the National Health Service Act 2006, by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006.

North East Strategic Health Authority area			
The Newcastle Upon Tyne Hospitals NHS Foundation Trust(a)	Freeman Hospital	General Surgery – Hepatobiliary and Transplant	ST3 to ST7 and SpR
	Newcastle General Hospital	Paediatric Cardiology	ST4 to ST8 and SpR – 2 nd on call
		Neurology	F2, CT1 and CT2 - 1 st on call ST3 to ST7 and SpR - 2 nd on call
	Royal Victoria Infirmary	Paediatric Surgery	ST4 to ST8 and SpR - 2 nd on call
		Paediatrics	ST4 to ST8 and SpR
North Tees and Hartlepool NHS Foundation Trust(b)	University Hospital of Hartlepool and University Hospital of North Tees	Paediatrics	ST3 to ST7 and SpR
North West Strategic Health Authority area			
Aintree University Hospitals NHS Foundation Trust(c)	University Hospital Aintree	Anaesthetics - Critical Care	CT1, CT2 and ST3 to ST7
North Cumbria University Hospitals National Health Service Trust(d)	Cumberland Infirmary	Emergency Medicine	F2, FTSTA1, FTSTA2 and ST1 to ST7
		Paediatrics	ST1 and ST2
	West Cumberland Hospital	Emergency Medicine	F2 and ST1 to ST3
Royal Bolton Hospitals NHS Foundation Trust(e)	Royal Bolton Hospital	Paediatrics	FTSTA3 and ST4 to ST8
Tameside Hospital NHS Foundation Trust(f)	Tameside General Hospital	Trauma and Orthopaedics	F2, CT1, CT2, ST1 and ST2
Warrington and Halton Hospitals	Warrington Hospital	Trauma and Orthopaedics	F2, ST1 and ST2

- (a) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 with effect from 1st June 2006. The authorisation under the 2003 Act has effect as if given under section 35 of the National Health Service Act 2006, by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006.
- (b) Authorised as an NHS foundation trust under section 35 of the National Health Service Act 2006 with effect from 1st December 2007.
- (c) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 with effect from 1st August 2006. The authorisation under the 2003 Act has effect as if given under section 35 of the National Health Service Act 2006, by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006.
- (d) Established by S.I. 2001/656, as amended by S.I. 2008/1775.
- (e) Authorised as an NHS foundation trust under section 35 of the National Health Service Act 2006 with effect from 1st October 2008.
- (f) Authorised as an NHS foundation trust under section 35 of the National Health Service Act 2006 with effect from 1st February 2008.

NHS Foundation Trust(a)			
South Central Strategic Health Authority area			
Buckinghamshire Hospitals National Health Service Trust(b)	Stoke Mandeville Hospital and Wycombe Hospital	Anaesthetics	ST3 to ST5
Isle of Wight National Health Service Primary Care Trust(c)	St. Mary's Hospital	General Medicine	F2, CT1 and CT2
		General Medicine	ST3 and ST4
		Emergency Medicine	F2, ST1 and ST2
		Obstetrics and Gynaecology	ST3
		General Surgery	F1
		General Surgery, Trauma and Orthopaedics, Obstetrics and Gynaecology	F2, ST1 and ST2 – Basic Surgical Training rota
Oxford Radcliffe Hospitals National Health Service Trust(d)	Horton General Hospital, Banbury	Obstetrics and Gynaecology	ST3 to ST5
Winchester and Eastleigh Healthcare National Health Service Trust(e)	Royal Hampshire County Hospital	Surgery	ST3 to ST5
South East Coast Strategic Health Authority area			
Ashford and St. Peter's Hospitals National Health Service Trust(f)	St. Peter's Hospital	Anaesthetics	CT2 and ST3 to ST7
Brighton and Sussex University Hospitals National Health Service Trust(g)	Princess Royal Hospital	General Internal Medicine	ST3 to ST8
	Royal Sussex County Hospital and Princess Royal Hospital	Emergency Medicine	ST3 to ST8
	Royal Sussex	Obstetrics and	ST3 to ST8

- (a) Authorised as an NHS foundation trust under section 35 of the National Health Service Act 2006 with effect from 1st December 2008.
- (b) Established by S.I. 2002/2419.
- (c) Established by S.I. 2006/2537.
- (d) Established by S.I. 1993/2544, as amended by S.I. 1998/1227 and S.I. 2000/961.
- (e) Established by S.I. 1993/2581, as amended by S.I. 2001/1915.
- (f) Established by S.I. 1998/801.
- (g) Established by S.I. 1992/2536, as amended by S.I. 2003/866 and S.I. 2004/2894.

	County Hospital	Gynaecology	
East Kent Hospitals University NHS Foundation Trust(a)	Queen Elizabeth the Queen Mother Hospital	Anaesthetics – Intensive Care Unit and Theatres Paediatrics	CT1 and CT2 ST3 to ST7
Frimley Park Hospital NHS Foundation Trust(b)	Frimley Park Hospital	Anaesthetics – Intensive Care and Acute Care Common Stem Emergency Medicine Obstetrics and Gynaecology Paediatrics	CT1 and CT2 ST3 to ST6 ST1 to ST7 ST4 to ST7
Royal Surrey County Hospital National Health Service Trust(c)	Royal Surrey County Hospital	Anaesthetics – Intensive Care Unit Acute Medicine Emergency Medicine	F2, CT1 and CT2 F1, F2, CT1, CT2 and ST3 to ST7 ST3 to ST7
Surrey and Sussex Healthcare National Health Service Trust(d)	East Surrey Hospital and Crawley Hospital	Paediatrics	ST3 to ST6
South West Strategic Health Authority area			
University Hospitals Bristol NHS Foundation Trust(e)	Bristol Eye Hospital, Bristol Royal Infirmary and St. Michael's Hospital Bristol Royal Hospital For Children, Frenchay Hospital, Southmead Hospital and St. Michael's Hospital	Anaesthetics Otolaryngology	ST3 and ST4 - 1st on call ST4 to ST7 – 2nd on call ST1 to ST3

- (a) Authorised as an NHS foundation trust under section 35 of the National Health Service Act 2006 with effect from 1st March 2009.
- (b) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 with effect from 1st April 2005. The authorisation under the 2003 Act has effect as if given under section 35 of the National Health Service Act 2006, by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006.
- (c) Established by S.I. 1990/2442, as amended by S.I. 1996/2860.
- (d) Established by S.I. 1998/651.
- (e) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 with effect from 1st February 2007. The authorisation under the 2003 Act has effect as if given under section 35 of

West Midlands Strategic Health Authority area			
George Eliot Hospital National Health Service Trust(a)	George Eliot Hospital	Anaesthetics	ST3 to ST7
University Hospital of North Staffordshire National Health Service Trust(b)	The Royal Infirmary	Renal	ST3 to ST8
		Neurosurgery	F2, ST1 to ST3
Yorkshire and the Humber Strategic Health Authority area			
Bradford Teaching Hospitals NHS Foundation Trust(c)	Bradford Royal Infirmary and St. Lukes Hospital	Otolaryngology/ Plastic Surgery/Oral and Maxillofacial Surgery (merged rota)	F2, CT1 and CT2
Calderdale and Huddersfield NHS Foundation Trust(d)	Calderdale Royal Hospital	Emergency Medicine	F2, CT1, CT2, CT3, ST4, ST5 and SpR
	Huddersfield Royal Infirmary	Anaesthetics	CT1, CT2, ST3 to ST5 and SpR
		Emergency Medicine	F2, CT1, CT2, CT3, ST4, ST5 and SpR
Hull and East Yorkshire Hospitals National Health Service Trust(e)	Hull Royal Infirmary	Neurosurgery	F2, ST1 and ST2
Scarborough and North East Yorkshire Healthcare National Health Service Trust(f)	Scarborough General Hospital	Anaesthetics	CT1, CT2 and ST3 to ST5
		Acute Medicine	ST3 to ST5
		Neurology	ST3 to ST5
		Diabetes and Endocrinology	ST3 to ST5

the National Health Service Act 2006, by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006.

- (a) Established by S.I. 1993/2551 and S.I. 2009/510.
(b) Established by S.I. 1992/2559, as amended by S.I. 1993/713 and S.I. 2003/792.
(c) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 with effect from 1st April 2004. The authorisation under the 2003 Act has effect as if given under section 35 of the National Health Service Act 2006, by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006.
(d) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 with effect from 1st August 2006. The authorisation under the 2003 Act has effect as if given under section 35 of the National Health Service Act 2006, by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006.
(e) Established by S.I. 1999/2675.
(f) Established by S.I. 1991/2398.

		Care of the Elderly	ST3 to ST5
Sheffield Children's NHS Foundation Trust(a)	Sheffield Children's NHS Foundation Trust, Capitol Park, Barnsley	Paediatrics – Critical Care, Neonatal Services	ST6 to ST8 – Transport rota
The Rotherham NHS Foundation Trust(b)	Rotherham General Hospital	Obstetrics and Gynaecology	ST1 to ST7
York Hospitals NHS Foundation Trust(c)	York Hospital	Obstetrics and Gynaecology Trauma and Orthopaedics	ST3 to ST7 and SpR F2, CT1, CT2, ST1 and ST2
<i>Scotland</i>			
Ayrshire and Arran Health Board(d)	Ayr Hospital	Emergency Medicine	ST3 to ST7 and SpR
Borders Health Board(e)	Borders General Hospital	Paediatrics	ST3 to ST9 and SpR
Fife Health Board(f)	Forth Park Maternity Hospital and Victoria Hospital	Paediatrics	ST3 to ST9 and SpR
Lanarkshire Health Board(g)	Wishaw General Hospital	Emergency Medicine	ST3 to ST7 and SpR
		Neonatology	ST3 to ST9 and SpR
	Hairmyres Hospital	Emergency Medicine	ST3 to ST7 and SpR
	Monklands Hospital	Emergency Medicine	ST3 to ST7 and SpR
<i>Wales</i>			
Cwm Taf Local Health Board(h)	Royal Glamorgan Hospital	Ophthalmology	Junior**

Signed on behalf of the Secretary of State for Health.

Ann Keen
Parliamentary Under-Secretary of State,
Department of Health

14th October 2009

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- (a) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 with effect from 1st August 2006. The authorisation under the 2003 Act has effect as if given under section 35 of the National Health Service Act 2006, by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006.
- (b) Authorised as an NHS foundation trust under section 6 of the Health and Social Care (Community Health and Standards) Act 2003 with effect from 1st June 2005. The authorisation under the 2003 Act has effect as if given under section 35 of the National Health Service Act 2006, by virtue of paragraph 1 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006.
- (c) Authorised as an NHS foundation trust under section 35 of the National Health Service Act 2006 with effect from 1st April 2009.
- (d) Established by S.I. 1974/267, as amended by S.S.I. 2003/217 and S.S.I. 2006/32.
- (e) Established by S.I. 1974/267, as amended by S.S.I. 2003/217 and S.S.I. 2006/32.
- (f) Established by S.I. 1974/267, as amended by S.S.I. 2003/217 and S.S.I. 2006/32.
- (g) Established by S.I. 1974/267, as amended by S.S.I. 2003/217 and S.S.I. 2006/32.
- (h) Established by S.I. 2009/778 (W. 66).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further implement the third subparagraph of Article 17(5) of 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 (OJ No. L299, 18.11.2003, p. 9).

Regulations 2 and 3 amend Regulation 25A of, and Schedule 2A to, the Working Time Regulations 1998. Regulation 25A of, and Schedule 2A to, the Working Time Regulations 1998 provide for the 48 hour working time limit for doctors in training to be increased to 52 hours for certain categories of doctors in training, listed in Schedule 2A to those Regulations, with effect from 1st August 2009 until 31st July 2011. Regulation 2 of these Regulations amends Regulation 25A of the Working Time Regulations 1998 to provide for the 52 hour working time limit to also apply to certain additional categories of doctors in training with effect from 2nd November 2009 to 31st July 2011. Regulation 3 adds a further Table to Schedule 2A to the Working Time Regulations 1998 which includes the additional categories of doctors in training to whom that provision applies.

A full impact assessment has not been produced for these Regulations as they have no impact on the costs of business, charities or voluntary bodies.

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