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STATUTORY INSTRUMENTS

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**2013 No. 2228**

**AGRICULTURAL EMPLOYMENT, ENGLAND  
TERMS AND CONDITION OF  
EMPLOYMENT, ENGLAND**

**The Working Time (Amendment) (England) Regulations 2013**

*Made* - - - - *3rd September 2013*  
*Laid before Parliament* *6th September 2013*  
*Coming into force* - - *1st October 2013*

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to measures relating to the organisation of working time<sup>(2)</sup>, in exercise of the powers conferred by that provision, makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Working Time (Amendment) (England) Regulations 2013.

(2) These Regulations come into force on 1st October 2013.

(3) These Regulations apply in England only.

**Amendment of the Working Time Regulations 1998**

2.—(1) Subject to regulation 3, the Working Time Regulations 1998<sup>(3)</sup> are amended as follows.

(2) In regulation 13(4), after the word “agriculture”, in both places occurring, insert “in Wales or Scotland”.

(3) In regulation 15(6), after the word “agriculture”, in both places occurring, insert “in Wales or Scotland”.

(4) In regulation 43—

(a) for the heading, substitute “Workers employed in agriculture in Wales or Scotland”;

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(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(2) S.I. 1997/1174.

(3) S.I. 1998/1833; relevant amending instruments are S.I. 2001/3256 and 2007/2079.

- (b) after “agriculture”, insert “in Wales or Scotland”.
- (5) In Schedule 2—
  - (a) in the heading, after “Agriculture”, insert “in Wales or Scotland”;
  - (b) in paragraph 1, after the word “agriculture”, in each place occurring, insert “in Wales or Scotland”.

**Saving provision**

**3.—**(1) Nothing in these Regulations applies to a worker employed in agriculture in England in relation to that employment if—

- (a) that employment commenced before 1st October 2013, and
  - (b) the worker remains so employed under that employment.
- (2) In this regulation—
- (a) “worker”, “employment” and “employed” have the same meaning as in regulation 2(1) of the Working Time Regulations 1998;
  - (b) “worker employed in agriculture” has the same meaning as in that regulation as in force immediately before 1st October 2013.

3rd September 2013

*David Heath*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend provisions in the Working Time Regulations 1998 (S.I. 1998/1833), which implement Directive 2003/88/EC of the European Parliament and of the Council concerning certain aspects of the organisation of working time (OJNo. L 299, 18.11.2003, p. 9), relating to the administration of annual leave in their application to workers employed in agriculture in England.

Regulation 2 has the effect that the provisions in Schedule 2 for a worker employed in agriculture in England in relation to the date on which the worker's leave year begins (regulation 13(4)) and notice of leave year (regulation 15(6)) no longer apply.

Regulation 3 provides a saving in relation to the employment of a worker employed in agriculture in England before 1st October 2013 the effect of which is that those same provisions continue to apply on and after that date in relation to that employment.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.