STATUTORY RULES OF NORTHERN IRELAND

2003 No. 119

EMPLOYMENT

Working Time (Amendment) Regulations (Northern Ireland) 2003

Made - - - - *28th February 2003*

Coming into operation *6th April 2003*

The Department for Employment and Learning, being a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to measures relating to the organisation of working time(**2**) and measures relating to the employment of children and young persons(**3**), in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Working Time (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 6th April 2003.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations, "the principal Regulations" means the Working Time Regulations (Northern Ireland) 1998(**5**).

Amendment of the principal Regulations

3. The principal Regulations shall be amended in accordance with regulations 4 to 21.

4. In regulation 2(2) (interpretation), the following definition shall be inserted after the definition of "rest period" –

(**1**) 1972 c. 68
(**2**) S.I.1997/1174
(**3**) S.I. 1996/266
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 1998 No. 386 as amended by S.R. 1998 No. 422, S.R. 1999 No. 133, S.R. 2000 No. 7 and S.R. 2002 No. 93

""the restricted period", in relation to a worker, means the period between 10 p.m. and 6 a.m. or, where the worker's contract provides for him to work after 10 p.m., the period between 11 p.m. and 7 a.m.;".

5. In regulation 3 (general) –

(a) before "The", there shall be inserted "(1)", and

(b) the following paragraph shall be inserted after paragraph (1) (as created by paragraph (a)) –

"(2) Where, in this Part, separate provision is made as respects the same matter in relation to workers generally and to young workers, the provision relating to workers generally applies only to adult workers and those young workers to whom, by virtue of any exception in Part III, the provision relating to young workers does not apply.".

6. In paragraph (c) of regulation 4(7) ("excluded days" for the purpose of calculating average weekly working time), after "maternity" there shall be inserted "paternity, adoption or parental".

7. The following regulation shall be inserted after regulation 5 –

"**Maximum working time for young workers**

5A.—(1) A young worker's working time shall not exceed –

(a) eight hours a day, or

(b) 40 hours a week.

(2) If, on any day, or, as the case may be, during any week, a young worker is employed by more than one employer, his working time shall be determined for the purpose of paragraph (1) by aggregating the number of hours worked by him for each employer.

(3) For the purposes of paragraphs (1) and (2), a week starts at midnight between Sunday and Monday.

(4) An employer shall take all reasonable steps, in keeping with the need to protect the health and safety of workers, to ensure that the limits specified in paragraph (1) are complied with in the case of each worker employed by him in relation to whom they apply.".

8. Regulation 6(6) (normal working hours for employees entitled to overtime pay) shall be omitted.

9. The following regulation shall be inserted after regulation 6 –

"**Night work by young workers**

6A. An employer shall ensure that no young worker employed by him works during the restricted period.".

10. In regulation 7(2) (entitlement of young worker to health assessment before assignment to night work), for "the period between 10 p.m. and 6 a.m. ("the restricted period")" there shall be substituted "the restricted period".

11. In regulation 9 (records showing whether regulations are complied with) –

(a) after "4(1)" in paragraph (a) there shall be inserted ", 5A(1)", and

(b) before "7(1)" in that paragraph there shall be inserted "6A and".

12. In regulation 10(1) (entitlement to daily rest period), for "An adult worker" there shall be substituted "A worker".

13. In regulation 11(1), (2) and (7) (entitlement to weekly rest period), for "an adult worker" there shall be substituted "a worker".