STATUTORY RULES OF NORTHERN IRELAND

2000 No. 7

EMPLOYMENT

Working Time (Amendment) Regulations (Northern Ireland) 2000

Made - - - - *3rd February 2000*

Coming into operation *5th March 2000*

The Department of Higher and Further Education, Training and Employment, 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**), 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) 2000 and shall come into operation on 5th March 2000.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendments to Regulations

3. The Working Time Regulations (Northern Ireland) 1998(**4**) shall have effect as amended by Regulations 4, 5 and 6.

Maximum weekly working time

4.—(1) In regulation 4—

(**1**) 1972 c. 68
(**2**) S.I.1997/1174
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1998 No. 386 as amended by S.R. 1998 No. 422 and S.R. 1999 No. 133

(a) for the words "Subject to regulation 5" in paragraph (1) there shall be substituted the words "Unless his employer has first obtained the worker's agreement in writing to perform such work";

(b) at the end of paragraph (2) there shall be added the words "and shall keep up-to-date records of all workers who carry out work to which it does not apply by reason of the fact that the employer has obtained the worker's agreement as mentioned in paragraph (1)"; and

(c) for the words "by virtue of regulation 5" in paragraph (7)(*d*) there shall be substituted the words "by reason of the fact that the employer has obtained the worker's agreement as mentioned in paragraph (1)".

(2) In regulation 5—

(a) paragraphs (1) and (4) shall be omitted; and

(b) in both paragraph (2) and paragraph (3), for the words "paragraph (1)" there shall be substituted the words "regulation 4(1)".

Unmeasured working time

5. Regulation 20 shall be re-numbered as paragraph (1) of that regulation, and after that provision the following paragraph shall be inserted—

"(2) Where part of the working time of a worker is measured or predetermined or cannot be determined by the worker himself but the specific characteristics of the activity are such that, without being required to do so by the employer, the worker may also do work the duration of which is not measured or predetermined or can be determined by the worker himself, regulations 4(1) and (2) and 6(1), (2) and (7) shall apply only to so much of his work as is measured or predetermined or cannot be determined by the worker himself".

Guidance

6. The following regulation shall be inserted after regulation 34—

"**Guidance**

34A.—(1) The Department of Higher and Further Education, Training and Employment shall, after consulting persons appearing to it to represent the two sides of industry, arrange for the publication, in such form and manner as it considers appropriate, of information and advice concerning the operation of these Regulations.

(2) The information and advice shall be such as appear to that Department best calculated to enable employers and workers affected by these Regulations to understand their respective rights and obligations under them.".