

SCHEDULE 1

AMENDMENTS TO EMPLOYMENT RIGHTS LEGISLATION EXTENDING TO ENGLAND AND WALES, AND SCOTLAND

PART 2

SECONDARY LEGISLATION

The Working Time Regulations 1998

7. The Working Time Regulations 1998(1) are amended as follows.
8. In regulation 18(2) (excluded sectors)—
 - (a) in paragraph (2)—
 - (i) after sub-paragraph (a) insert—

“(aa) to workers to whom the Civil Aviation (Working Time) Regulations 2004(3) apply;”;
 - (ii) omit sub-paragraph (b);
 - (b) in paragraph (4) for the words from “[Directive 2002/15/EC](#)” to the end substitute “the Road Transport (Working Time) Regulations 2005(4) apply”.
9. In regulation 28(1)(5) (enforcement) in the definition of “relevant road transport worker” for “Council Regulation ([EEC](#)) 3820/85” substitute “Council Regulation ([EC](#)) No 561/2006(6)”.

The Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations 2002

10. The Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad and Mariners) Regulations 2002(7) are amended as follows.
11. In regulation 3 (treatment of persons in other EEA States as employees)—
 - (a) in the heading omit “other”;
 - (b) in sub-paragraph (a) omit the words “other than the United Kingdom”;
 - (c) in sub-paragraph (b) after “1408/71” insert “as amended from time to time or Regulation ([EC](#)) No 883/2004 of the European Parliament and of the Council of 29 April 2004 as amended from time to time on the coordination of social security systems”.
12. In regulation 5 (entitlement to statutory paternity pay where person has worked in an EEA State)—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (b) for “another” substitute “an”;

(1) [S.I. 1998/1833](#).

(2) [S.I. 1998/1833](#), Regulation 18, amended by [S.I. 2007/2079](#); there are other amending instruments but none is relevant.

(3) [S.I. 2004/756](#).

(4) [S.I. 2005/639](#).

(5) [S.I. 1998/1833](#), Regulation 28 to which there are amendments not relevant to these Regulations.

(6) Regulation ([EC](#)) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport and amending Council Regulations ([EEC](#)) No 3821/85 and ([EC](#)) No 2135/98 and repealing Council Regulation ([EEC](#)) No 3820/85. OJ No L 102, 11.4.2006, p.1.

(7) [S.I. 2002/2821](#).

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- (ii) for “the other EEA” substitute “the EEA”;
- (b) in paragraph (2)—
 - (i) in sub-paragraph (b) for “another” substitute “an”;
 - (ii) for “the other EEA” substitute “the EEA”.

13. In regulation 6 (entitlement to statutory adoption pay where person has worked in an EEA State)—

- (a) in paragraph (b) for “another” substitute “an”;
- (b) for “the other EEA” substitute “the EEA”.

Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

14. In Schedule 1 (employment tribunals rules of procedure) to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013⁽⁸⁾—

- (a) omit paragraph 33 (evidence from other EU Member States);
- (b) omit paragraph 100 (references to the Court of Justice of the European Union).

The Statutory Shared Parental Pay (Persons Abroad and Mariners) Regulations 2014

15. The Statutory Shared Parental Pay (Persons Abroad and Mariners) Regulations 2014⁽⁹⁾ are amended as follows.

16. In regulation 5 (treatment of persons in other EEA States as employees)—

- (a) in the heading omit “other”;
- (b) in sub-paragraph (a) omit “other than the United Kingdom”;
- (c) in sub-paragraph (b) after “1408/71” insert “as amended from time to time or Regulation (EC) 883/2004 of the European Parliament and of the Council of 29 April 2004 as amended from time to time on the coordination of social security systems”.

17. In regulation 7 (entitlement to statutory shared parental pay where person has worked in an EEA State)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (c), for “another” substitute “an”;
 - (ii) for “the other EEA” substitute “the EEA”;
- (b) in paragraph (2)—
 - (i) in sub-paragraph (c), for “another” substitute “an”;
 - (ii) for “the other EEA” substitute “the EEA”.

18. In Schedule 2 (modifications for adoptions from overseas) in paragraph 6(1), in the modified version of regulation 7(1)(2)—

- (a) in sub-paragraph (c), for “another” substitute “an”;
- (b) for “the other EEA” substitute “the EEA”.

⁽⁸⁾ S.I. 2013/1237.

⁽⁹⁾ S.I. 2014/3134.

The Posted Workers (Enforcement of Employment Rights) Regulations 2016

19. The Posted Workers (Enforcement of Employment Rights) Regulations 2016⁽¹⁰⁾ are amended as follows.

20.—(1) Regulation 4 (scope of application of Part 2) is amended as follows.

(2) In paragraph (2)—

(a) for the definition of “employer” substitute—

““employer” means a service provider established in the United Kingdom or a Member State which posts or hires out workers in a manner described by paragraph 3 of Article 1 of [Directive 96/71/EC](#)⁽¹¹⁾”;

(b) in the definition of “posted worker in the construction sector”, in paragraph (a), omit “other than the United Kingdom”.

(3) After paragraph (2) insert—

“(3) For the purposes of the definition of “employer” in paragraph (2), paragraph 3 of Article 1 of [Directive 96/71/EC](#) is to be read as if—

(a) in point (a)—

(i) after “post workers to” there were inserted “the United Kingdom or”;

(ii) after “operating in” there were inserted “the United Kingdom or”;

(b) in point (b), after “by the group in” there were inserted “the United Kingdom or”;

(c) in point (c), after “operating in” there were inserted “the United Kingdom or”.”

21. In regulation 11 (cross-border enforcement of financial penalties) omit “other than the United Kingdom” in each place it occurs.

⁽¹⁰⁾ [S.I. 2016/539](#).

⁽¹¹⁾ [OJ No L 18, 21.1.1997, p. 1.](#)