

## National Policing Improvement Agency Circular

### **NPIA 03/2011**

This circular is about:

**The Working Time Regulations  
1998 and the Special Constabulary**

From:

**Workforce Strategy Unit, NPIA**

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This circular is addressed to:

**Chief Officers of Police  
Clerks to Police Authorities  
Special Constabulary Chief Officers  
Special Constabulary Coordinators  
Directors of Human Resources**

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## **Section A: Summary**

### **1. Introduction**

1.1 This circular provides guidance to police forces about the application of the Working Time Regulations 1998 (WTR) upon members of the Special Constabulary in England and Wales. Section A is intended as a summary, which outlines how the WTR affects the Special Constabulary and provides some recommended good practice for police forces. Section B provides more detailed information on the provisions of the WTR.

1.2 The WTR came into force in October 1998 and transposed the EU Working Time Directive and the Young Workers Directive (in respect of adolescent workers) into UK law. These Directives form part of EU measures aimed at improving health and safety at work within each Member State. The full text of the WTR is available at the following URL: <http://www.legislation.gov.uk/ukxi/1998/1833/contents/made>

1.3 This guidance is a summary based on legal advice obtained by the NPIA and through discussions with the Department for Business Innovation and Skills (BIS). It is not intended to be a definitive guide to the WTR, and forces may wish to seek their own legal advice in relation to this legislation.

1.4 Advice on the implications of the WTR for Special Constables was provided in Home Office Circular 54/1999. Home Office Circular 21/2002 also gave general advice on the application of the Working Time Regulations to the Police Service.

1.5 This circular replaces Home Office Circular 54/1999 and amends several aspects of the previous guidance following a review carried out by the NPIA.

1.6 The main additions are:

- recommended good practice for police forces to assist in complying with the WTR;
- further guidance to police forces on how the WTR applies to the Special Constabulary; including
  - guidance on the provision of rest periods and workforce agreements;
  - guidance on the provision of record keeping for all employees (including those who have opted out of the 48-hour working week);
- a revised example guidance note for Special Constables (see Annex A); and
- an example workforce agreement relating to rest periods for Special Constables (see Annex B)
- a revised example opt-out agreement form for Special Constables (see Annex C).

## **2. Employment Status**

2.1 The WTR are specifically extended to cover Police Constables (which includes Special Constables) as workers. This is by virtue of Regulation 41(1) which states:

“For the purposes of these Regulations, the holding, otherwise than under a contract of employment, of the office of constable ... shall be treated as employment, under a worker's contract, by the relevant officer.”<sup>1</sup>

2.2 This statutory status does not, in itself, create an employment relationship between the Special Constable, the chief officer, the police authority or the police force. However, for the purposes of the WTR, police forces are to be treated as employers of Special Constables.

## **3. Main requirements of the Regulations**

3.1 The provisions of the WTR which may affect Special Constables:

- set a maximum average working week of 48 hours (Regulation 4);
- allow for an opt-out agreement to be signed by the worker, excluding the maximum average working week (Regulation 4(1));
- require an employer to keep adequate records for two years to show whether the limit on the hours of the working week is being complied with (Regulation 9)
- provide a rest period of not less than 11 consecutive hours in a 24-hour period (Regulation 10);
- provide an uninterrupted rest period of not less than 24 hours in a 7-day period (Regulation 11);
- entitle a worker, whose normal working time exceeds 6 hours, to a rest break (Regulation 12); and
- allow workforce agreements to be put in place modifying or excluding (rest periods, providing that any reduced rest periods are followed by compensatory rest (Regulation 23)).

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<sup>1</sup> For the purposes of WTR, the “relevant officer” is the Chief Officer of Police.

#### **4. Recommended Good Practice for Police Forces**

The following recommendations are intended to outline suggested appropriate action for forces to take in order to ensure compliance with the WTR:

Upon appointing a Special Constable:

- a) Provide an opt-out agreement to sign, copies of which should be kept by the force and the individual. **No pressure may be brought upon the individual to sign such an agreement.**
- b) Ask the individual to identify whether he/she has other employers and the days and times worked for those employers for the purposes of deciding which shifts can be rostered.
- c) If the individual has not opted out of the maximum average working week or if he/she is not a night worker, ask him/her to identify their current contracted and actual working hours over the previous three months with the current employer(s) (if any).
- d) Provide the individual with a copy of any workforce agreements that are in place in relation to the Special Constabulary along with enough information to reasonably ensure that the individual understands such agreements.
- e) Ask the individual to confirm that he/she will notify the force immediately if he/she becomes employed or changes his/her primary employer or his/her normal working hours.
- f) If a Special Constable is appointed who either does not wish to opt out of the maximum average working week or who is a night worker (whether with the force or any other employer), ask that he/she agrees to notify the force every 3 months of the hours worked for each other employer. Additionally, ask that he/she notifies his/her other employer(s) of the total hours of duty worked with the force.

## **Section B: Provisions of the WTR**

### **5. Maximum Average Working Week**

5.1 Regulation 4(1) of the WTR states: "Unless his employer has first obtained the worker's agreement in writing to perform such work, a worker's working time, including overtime, in any reference period which is applicable in his case shall not exceed an average of 48 hours for each seven days."

This limit does not apply where other work is conducted in a genuinely self-employed capacity or in one of the excluded sectors<sup>2</sup> since neither of these are working time for the purposes of the Regulations.

5.2 Regulation 4(6) of the WTR states that this average is calculated over a reference period of 17 weeks, via the formula:

"**(A + B) / C** where:

**A** is the aggregate number of hours comprised in the worker's working time during the course of the reference period  
**B** is the aggregate number of hours comprised in his working time during the course of the period beginning immediately after the end of the reference period and ending when the number of days in that subsequent period on which he has worked equals the number of excluded days during the reference period; and  
**C** is the number of weeks in the reference period."

5.3 The reference to "excluded days" above refers to any days in a reference period which are not worked as a result of annual leave, sick leave, maternity or paternity leave, adoption or parental leave, or an opt-out agreement as outlined at section 7 below.

### **6. Reasonable Steps**

6.1 Regulation 4(2) of the WTR states: "An employer shall take all reasonable steps, in keeping with the need to protect the health and safety of workers, to ensure that the ... [48-hour weekly working time limit] is complied with in the case of each worker employed by him in relation to whom it applies."

6.2 This is interpreted to mean that where there are two or more employers there is a duty on each employer to attempt to take reasonable steps to ensure that between them they do not breach the maximum average working week.

6.3 Previous Department of Trade and Industry (DTI) and Health and Safety Executive guidance states that such reasonable steps would include

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<sup>2</sup> Working Time Regulations 1998, Regulation 18

enquiring of the worker whether he/she was working elsewhere (or requesting that they be notified of the worker getting other work) and, if so, adjusting working arrangements accordingly. If a worker were working more than an average of 48 hours per week in total (i.e. the aggregate of the hours worked for both employers) each employer should take steps to agree with the worker that he/she is willing to work that number of hours per week (see section 7 below).

6.4 The requirement for secondary employers to take reasonable steps, in ensuring compliance with the maximum 48-hour average working week, ceases if the worker has chosen to opt out of the maximum average weekly working week for each of his/her employer(s). However, there remains a duty upon employers to ensure that general principles of health and safety as set out in legislation such as the Health and Safety at Work etc Act 1974<sup>3</sup> are adhered to.

6.5 Where a Special Constable has **not** opted out of the maximum 48-hour average working week it is **recommended** that the number of hours of duty performed is recorded and that records are kept for at least six years. This is because a civil claim, for work-induced stress for example, can be made up to three years after the effect of the symptoms alleged in the claim become apparent. Furthermore, where a Special Constable has not opted out of the maximum 48-hour average working week, it is **recommended** that police forces request details of the number of hours worked within primary employment from that individual every three months (see Recommended Good Practice for Police Forces, above). Additionally, it would be good practice for police forces to inform the individual that he/she should notify his/her primary employer of the number of hours volunteered as a Special Constable.

## **7. Opting Out of the Maximum Average Working Week**

7.1 Regulations 4(1) and 5 enable a worker to enter into an agreement with the employer (known as an opt-out agreement), allowing the worker's hours to exceed the maximum average 48-hour working week. Regulation 5 allows for the opt-out agreement to be terminated by the worker on 7 days' notice to the employer unless a longer period of notice has been agreed.

7.2 The agreement (known as the opt-out agreement) only excludes the maximum average 48-hour working week. It does not apply to any other provision of the WTR such as the requirements on rest periods or night work.

7.3 The European Court of Justice has ruled that under the Working Time Directive the opt-out consent must be given "individually, expressly and freely"<sup>4</sup>. As such, no Special Constable should be compelled to exceed

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<sup>3</sup> Health and Safety at Work etc. Act 1974  
<http://www.legislation.gov.uk/ukpga/1974/37/contents>

<sup>4</sup> European Court of Justice ruling on the case of Pfeiffer v Deutsches Kreuz, Kreisverband Waldshut eV (2005) C-397/01 to C-403/01

the 48-hour working week; they must be fully willing to do so, and no Special Constable should suffer any detriment within his/her role as a result of not wishing to sign such an agreement.

7.4 Regulation 4(2) of the WTR requires an employer to keep a list of workers who have opted out and ensure that these records are kept for 2 years (Regulation 9).

7.5 Additionally, police forces must make these records, as well as any further information required, available to the Health and Safety Executive for inspection upon request.

7.6 If the Special Constable has signed an opt-out agreement with the force, he/she should be advised to make similar arrangements with their other employer(s).

**See Annex C for an example opt-out agreement to be signed by Special Constables.**

## **8. Rest Periods**

8.1 The WTR set minimum rest periods for workers, which forces should be aware of when managing the hours of Special Constables. The WTR also allow for workforce agreements to be put in place between groups of workers and the employer which can modify or exclude these rest periods, so long as compensatory rest is then provided (see section 9, below).

### Daily Rest

8.2 Regulation 10(1) of the WTR states: “[A worker] is entitled to a rest period of not less than eleven consecutive hours in each 24-hour period during which he works for his employer.” This does not mean a rest period of 11 hours between his/her employment under one particular employer, but rather from working in any employment whatsoever.

8.3 Unless a relevant workforce agreement is in place, the duty times of Special Constables should not contravene these rest periods. For example, if an individual’s regular employment starts at 9:00am, his/her Special Constable duties should not go beyond 10:00pm the previous evening.

### Weekly Rest

8.4 Regulation 11(1) of the WTR states: “[a worker] is entitled to an uninterrupted rest period of not less than 24 hours in each seven-day period during which he works for his employer.” This does not mean a rest period of 24 hours between his/her employment under one particular employer, but rather from working in any employment whatsoever.

8.5 This can be applied by the employer in one of two ways:



- as two uninterrupted periods of at least 24 hours within each 14-day period; or
- as one uninterrupted period of at least 48 hours within each 14-day period.

8.6 Unless a relevant workforce agreement is in place, the duty times of Special Constables should not contravene these rest periods. For example, if a Special Constable's regular employment finishes on Friday at 5:30pm and restarts on Monday at 9:00am, he/she should not be on duty for a period of at least 24 consecutive hours during this time. This could be by ensuring duty ends by 9:00am on Sunday or by starting the duty after 5:30pm on Saturday.

#### Rest Breaks

8.7 Regulation 12(1) of the WTR states: "Where [a worker's] daily working time is more than six hours, he is entitled to a rest break"

8.8 Regulation 12(3) of the WTR states: "Subject to the provisions of any applicable collective agreement or workforce agreement, the rest break ... is an uninterrupted period of not less than 20 minutes, and the worker is entitled to spend it away from his workstation if he has one."

#### Force Responsibilities

8.9 The provision of rest periods laid down within Regulations 10, 11 and 12 of the WTR are not included under any agreement to exclude the maximum weekly hours of a worker. Therefore, police forces will need to be aware of the times worked by a Special Constable, and, where necessary, should plan duty times in advance in order to ensure that these do not contravene the WTR.

### **9. Workforce Agreements**

9.1 Regulation 23 of the WTR states that a workforce agreement can modify or exclude the provision of rest periods outlined in Section 8, above. This includes the 11-hour rest period in any 24 hours worked.

9.2 Regulation 24 of the WTR states that where rest periods are altered by a workforce agreement, an equivalent period of compensatory rest should be provided to the worker wherever possible at the earliest possible opportunity.

9.3 It is suggested that compensatory rest could most effectively be applied *between* shifts rather than *within* working time. For example, if, in accordance with a relevant workforce agreement, a Special Constable were to finish duties at 12:00 midnight and start work at 9:00am the next day, there would be a 2-hour deficit in the 11-hour daily rest period. This would need to be added on to the next period of rest taken by that individual, which would then total 13 hours. This 13-hour period of rest could be taken by the Special Constable, after completing his/her period of work that following day.

9.4 Schedule 1 to the WTR sets out specific requirements for implementing workforce agreements. These could be applied to Special Constables by following the below criteria:

- The agreement must be in writing.
- The agreement must have effect for a specified period not exceeding five years.
- The agreement must apply to Special Constables as a specific group belonging to the workforce (the police force) and would not apply to any members outside of this group.
- The agreement must be signed by representative members of the Special Constabulary within the police force. The number of such representatives is determined by the police force and these representatives are required to be "duly elected" by members of the Special Constabulary.\*
- Specific criteria for electing members of a group of workers to sign such agreements are set out in paragraph 3 of Schedule 1 to the Working Time Regulations.
- Before the agreement is signed by the elected representatives, a copy of the agreement must be provided to every member of the Special Constabulary, together with accompanying guidance to ensure that it can be fully understood.

**\* In the event that there is only one candidate for the role of workforce representative, forces may wish to adopt a pragmatic approach. Where there are at least two candidates, forces will wish to consider the simplest and least bureaucratic way of conducting elections, for example, by postal or online voting. As far as reasonably practicable, secret ballots should be used.**

9.5 An example workforce agreement for Special Constables, regarding the modification of rest periods is provided at **ANNEX B**.

## **10. Night Work**

10.1 Regulation 6(1) of the WTR states that: "A night worker's normal hours of work in any reference period which is applicable in his case shall not exceed an average of eight hours for each 24 hours."

10.2 The maximum 8-hours work for a night worker is an average limit, calculated over a 17-week reference period.

10.3 For the purposes of the WTR, night time is 11:00pm to 6:00am (unless modified by either a collective or workforce agreement).

10.4 Special Constables will be night workers for the purposes of the WTR if they are regularly on duty for three hours between 11:00pm and 6:00am.

10.5 Regulation 5 (which makes provision for an opt-out agreement from the maximum average weekly working time) does not provide any exemption from the provisions governing night work. Therefore, if a

Special Constable is a night worker, either through the force or their other employer, the total working time should be monitored whether or not the worker has opted out of the maximum 48-hour average working week.

10.6 Regulation 6(2) of the WTR states that the employer should take reasonable steps in keeping with the need to protect the worker's health and safety to ensure these limits are complied with. The limits apply even if the Special Constable does no night work with the police force but is a night worker for his/her current employer.

10.7 Additionally, Regulation 7(1) states that an employer:

"(a) shall not assign an adult worker to work which is to be undertaken during periods such that the worker will become a night worker unless:

(i) the employer has ensured that the worker will have the opportunity of a free health assessment before he takes up the assignment; or

(ii) the worker had a health assessment before being assigned to work to be undertaken during such periods on an earlier occasion, and the employer has no reason to believe that that assessment is no longer valid, and

(b) shall ensure that each night worker employed by him has the opportunity of a free health assessment at regular intervals of whatever duration may be appropriate in his case."

## **11. Exemptions**

11.1 Regulation 18(2)(a) of the WTR states that certain provisions of the Regulations (including the 48-hour working week, the 8-hour daily limit on night work, the provision of daily and weekly rest periods and provision of rest breaks) do not apply where: "characteristics peculiar to certain specific services such as the ... police [and] to certain specific activities in the civil protection services, inevitably conflict with the provisions of these Regulations."

11.2 This exemption applies to the Special Constabulary but would only be relevant in extremely limited circumstances. The European Court of Justice has laid down the context of this exemption as: "purely for the purpose of ensuring the proper operation of services essential for the protection of public health, safety and order in cases such as a catastrophe the gravity and scale of which are exceptional and a characteristic of which is the fact that, by their nature, they do not lend themselves to planning as regards the working times of teams of emergency workers."<sup>5</sup>

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<sup>5</sup> European Court of Justice ruling on the case of Pfeiffer v Deutsches Kreuz, Kreisverband Waldshut eV (2005) C-397/01 to C-403/01

11.3 Therefore, Regulation 18 (2)(a) would only apply if forces were to contravene the WTR in, for example, the aftermath of a terrorist attack or a natural disaster.

11.4 Regulation 21 of the WTR provides a further set of exemptions from the restrictions on night work, daily rest periods, weekly rest periods and daily rest breaks, (but not the 48-hour average weekly working time limit) in the following instances:

- where a Special Constable is engaged in security or surveillance activities requiring a permanent presence in order to protect property and persons;
- where the activities of a Special Constable involve the need for a continuity of service (e.g. the need to remain on duty to detain a suspect, to prevent the commission of a crime, to maintain public order or to complete a necessary handover of information to fellow officers);
- where the activities of a Special Constable are affected by an occurrence due to unusual and unforeseeable circumstances beyond the police force's control;
- where the activities of a Special Constable are affected by exceptional events;
- where the activities of a Special Constable are affected by accident or the imminent risk of an accident;

11.5 Where a Special Constable is required to work during a period which would otherwise be a rest period or rest break due to the exemptions set out in Regulation 21, the police force is required, wherever possible to allow him/her to take an equivalent period of compensatory rest. In exceptional cases where this is not possible, the force is required to grant the Special Constable such protection as may be appropriate in order to safeguard his/her health and safety.

## **ANNEX A: Example Guidance Note for Special Constables**

**[Name of Police Force]**

### **Working Time Regulations**

#### **Guidance for Special Constables**

The Working Time Regulations 1998 SI 1998/1833 (“the Regulations”) is specifically extended to cover Police Constables (which include Special Constables) as workers. This statutory status does not create an employment relationship between you and the Chief Constable, the Police Authority or the Police Service (“the Service”). The aim in this note is to explain how the Force operates the Regulations to protect your health and safety and that of the public.

#### **Part I. Average Weekly Working Hours**

The Regulations placed a maximum average working time (including work for your regular employer and duty for the Force) of 48 hours in any seven day period averaged over a 17-week reference period.

To enable your total hours (including your Special Constable working hours and those with your regular employer) to exceed 48 hours on average, you will need to sign an opt out form.

This opt out appears at the end of this note. If you do opt out, your name will be kept on a list of those opting out which is available for inspection by the Health & Safety Executive.

#### **Part II. Reference Period**

In the event that you do not opt out of the maximum average working time of 48 hours in any seven day period, the 17-week reference period for the purposes of the Regulations will be each successive period of 17 weeks where the first 17-week period commences on [INSERT CHOSEN START DATE].

In the event that you do not opt out, you will need to inform the Force and your regular employer of the hours you have worked for the other.

### **Part III. Night Work**

For the purposes of the Regulations, "night time" is 11:00pm to 6:00am and the reference period will be each successive period of 17 weeks where the first 17-week period commenced on [INSERT CHOSEN START DATE].

If you are regularly on duty for the Force for 3 hours between 11:00pm and 6:00am, you will be a "night worker" for the purposes of the Regulations.

If you are a night worker (whether for the Force or for your regular employer) you may only work on average 8 hours for each 24 hours over a 17-week period.

If you are a night worker, the Force will need to contact you every three months to determine the hours you have worked with your regular employer and you will need to inform your regular employer of the hours you have worked for the Force.

You must notify your line manager if you work regularly during night time for 3 hours or more for your regular employer.

The Force aims to avoid making you a "night worker" and will endeavour to ensure that duty is completed by 1:55 am and that no duty begins before 3:55am.

### **Part IV. Daily Rest Period**

You are entitled to a rest period of 11 consecutive hours in each period of 24 hours you work (whether for your regular employer or on duty for the Force).

Your force may have implemented a workforce agreement for members of your Special Constabulary, allowing you to take compensatory rest for duties which contravene these rest periods. If this is the case, and your duty times contravene these rest periods on any given day, you should ensure that you take additional rest, equal to the amount of rest lost, on the next day.

If a relevant workforce agreement is not in place, you should plan to ensure that you have a break of at least 11 hours between the end of your duty and the start of work with your regular employer. For example, if your regular employment commences at 9:00am, your duty must cease by 10:00pm the preceding evening.

Unless, a relevant workforce agreement modifying rest periods has been applied to members of your Special Constabulary, you will not be able to commence a further duty as a Special Constable within 11 hours of the end of your previous duty.

**Part V. Weekly Rest Period**

You are entitled to an uninterrupted rest period of 24 hours in each week or one uninterrupted rest period of 48 hours in each two weeks.

Your force may have implemented a workforce agreement for members of your Special Constabulary, allowing you to take compensatory rest for duties which contravene these rest periods. If this is the case, and your duty times contravene these rest periods on any given day, you should ensure that you take additional rest, equal to the amount of rest lost, as soon as is practicable.

If no such agreement is in place, you will need to ensure that you are not on duty for a period of at least 24 consecutive hours within any 7-day period during which you work for your regular employer or the force.

If your regular employer has unusual work patterns, you should indicate this at the end of this note and update your Force as appropriate.

**Part VI. Notifying your regular employer**

Unless you have opted out of the average 48-hour working week, you should inform your regular employer of your hours on duty with the Force.

If you are a night worker, you should inform your regular employer of your hours on duty with the Force.

The Force will not disclose your hours of duty to your regular employer without your express advanced written consent.

**Part VII. When the Regulations do not apply**

The restrictions on night work, daily rest periods, weekly rest periods and daily rest breaks do not apply to occasions when:

- (a) you are engaged in security or surveillance activities requiring a permanent presence in order to protect property and persons;
- (b) your activities as a Police Constable involve the need for continuity of service (e.g. the need to remain on duty to detain a suspect, to prevent the commission of a crime, to maintain public order or to complete a necessary handover of information to fellow officers);
- (c) your activities are affected by an occurrence due to unusual and unforeseeable circumstances beyond the Force's control;
- (d) your activities are affected by exceptional events;
- (e) your activities are affected by an accident or the imminent risk of an accident;

**Part VIII. Road Transport Worker**

If your regular employment involves you being a “mobile worker” under the Road Transport (Working Time) Regulations 2005 SI 2005/639, you should notify your Force.

If you are a “mobile worker” under the Road Transport (Working Time) Regulations 2005, your regular employer will request from you details of any time worked by you on duty for the Force and you must provide those details to them.

**Part IX. Your responsibility**

It is your obligation to ensure that you are sufficiently fit and alert to report for duty for the Force and to ensure that you are fit and alert to attend your regular employment. If at any time you feel your fitness or alertness is jeopardised, you must notify your supervisor.

**Part X. Your obligation to your regular employer**

The provision of duty as a Special Constable is only made on the basis that such duty would not put you in breach of your contractual obligation with your regular employer. Some employers have “moonlighting” clauses in their contracts and you must ensure you are not in breach of such an obligation.

**Part XI. Duty planning**

There is no obligation on the Force to provide you with any duty as a Special Constable.



## **ANNEX B: Example Workforce Agreement**

### **[INSERT NAME OF POLICE FORCE]**

This agreement is made on [INSERT DATE] between:

The [INSERT RANK OF CHIEF OFFICER] of [INSERT POLICE FORCE] and Members of the Special Constabulary of [INSERT POLICE FORCE].

- This comprises a Workforce Agreement for the purposes of Regulation 23(a) of the Working Time Regulations 1998 SI 1998/1833.
- [INSERT NAME(S) OF ELECTED REPRESENTATIVE(S)] have been elected on behalf of the Special Constabulary to sign this agreement.

This agreement applies to all Special Constables within [INSERT NAME OF POLICE FORCE].

#### **Daily and Weekly Rest Periods**

It is agreed that the daily and weekly rest periods specified under Regulations 10 and 11 of the Working Time Regulations 1998 SI 1998/1833, may be modified by members of the Special Constabulary of [INSERT POLICE FORCE] in carrying out their duties.

Where a Special Constable carries out duties that allow a period of rest that is less than the daily and weekly rest periods specified under Regulations 10 and 11 of the Working Time Regulations 1998 SI 1998/1833, a period of compensatory rest shall be taken at the earliest opportunity. This period of compensatory rest shall be equivalent to the reduction in the previous period of compensatory rest and shall be added to the next period of rest taken by that Special Constable.

#### **Duration**

The duration of this agreement shall be five years from the date of signature.

.....  
Signed:  
[INSERT NAME OF FORCE CHIEF OFFICER]

.....  
Signed:  
[INSERT NAME(S) OF ELECTED REPRESENTATIVE(S) FROM THE SPECIAL CONSTABULARY]

**ANNEX C: Example Opt-out Form**

**[Name of Police Force]**

**Working Time Regulations SI 1998/1833**

**Agreement to Exclude the Maximum Weekly Working Time for  
Special Constables**

**Acknowledgment**

NAME: .....

SERVICE: .....

I agree that for the purposes of the Regulations:

- (1) Night time means 11:00pm to 6:00am;
- (2) The reference periods for Regulation 4 and Regulation 6 shall be the successive period of 17 weeks beginning with the 17-week period starting on [INSERT CHOSEN START DATE].

Signed: .....

Dated: .....

**Opt Out**

I agree that the maximum average working time of 48 hours in any seven day period shall not apply to my office as a Special Constable with [NAME OF FORCE] and that my average working time may therefore exceed 48 hours in any seven day period.

I agree that this opt out shall be indefinite but I do have the right to revoke the Opt Out by giving three months' notice.

Signed: .....

Dated: .....

**Details of Regular Employment**

My regular employer is: .....

.....

.....

.....

My normal working times for my regular employer are: .....

.....

.....

.....