



Under the Working Time Regulations 1998 an adult worker is entitled to an 11 hour rest period in every 24 hours (regulation 10(1)). This came into force with effect from 1 October 1998.

This entitlement to rest can be varied by a collective or workforce agreement, it would be worth checking whether the organisations you deal with have such an agreement in place. Furthermore, if the worker's activities involve the need for continuity of service/production then the rest requirement does not apply. This may include services relating to hospitals and this exception is contained within regulation 21. If an employer is expecting the worker to work in excess of the statutory requirements then he must provide the worker compensatory rest. This would presumably be covered by having the following 24 hours off.

In the recent case of *Gallager v Alpha Catering Services Ltd* it was clarified that the need for continuity of service relates to the employees need for continuity rather than that of the employer, so, for example, the fact that an employer needs staff available 24 hours a day to load an aircraft, this does not mean that the rest period for individual staff members should be violated.

Although there is a provision which allows the weekly rest period of 24 hours in 7 days to be 'doubled up' there is no equivalent provision relating to daily rest periods. I cannot see the basis on which Dr ----- believes that within a 48 hour work period workers satisfy the provision if they have 22 hours rest.

Sian Williams  
Flint Bishop & Barnett Solicitors  
St Michaels Court  
St Michaels Lane  
Derby