



STATUTORY INSTRUMENTS.

**S.I. No. 553 of 2010**

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EUROPEAN COMMUNITIES (ORGANISATION OF WORKING TIME)  
(ACTIVITIES OF DOCTORS IN TRAINING) (AMENDMENT)  
REGULATIONS 2010

**(Prn. A10/1726)**

EUROPEAN COMMUNITIES (ORGANISATION OF WORKING TIME)  
(ACTIVITIES OF DOCTORS IN TRAINING) (AMENDMENT)  
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I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purposes of giving effect to Council Directive 93/104/EC of 23 November 1993<sup>1</sup> as amended by Directive 2000/34/EC of the European Parliament and of the Council of 22 June 2000<sup>2</sup> insofar as it applies to the activities of doctors in training, hereby make the following Regulations:

*Citation*

1. (1) These Regulations may be cited as the European Communities (Organisation of Working Time) (Activities of Doctors in Training) (Amendment) Regulations 2010.

(2) These Regulations and the European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004 (S.I. No. 494) may be cited together as the European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004 and 2010 and shall be read together as one.

*Interpretation*

2. These Regulations apply to the activities of doctors in training.

*Amendment of Regulations*

3. The European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004 (S.I. No. 494) are amended as follows:

1. Regulation 4 is amended by the insertion of the following paragraphs after paragraph 3:

“(4) Subject to Regulation 5, an employer shall not be obliged to comply with Regulations 6, 7 and 8 in respect of activities involving the need for continuity of services relating to the reception, treatment and/or care provided by hospitals or similar establishments; the activities being the activities of doctors in training.

(5) Subject to Regulation 5, an employer shall not be obliged to comply with Regulations 6, 7 and 8 where collective agreements or agreements have been concluded between the two sides of industry at national or regional level in relation to the activities of doctors in training (or in conformity with

<sup>1</sup>OJ No. L 307, 13.12.1993 p. 18.

<sup>2</sup>OJ No. L 195, 01.08.2000 p. 41.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 26th November, 2010.*

the rules laid down by them, by means of collective agreements or agreements concluded between the two sides of industry at a lower level in relation to the activities of doctors in training) that for the time being have effect in relation to an employee and which stand approved of or by the Labour Court under section 24 of the 1997 Act.”

2. Regulation 12 is amended by the substitution of the following paragraphs for paragraphs 12(c) and 12(d):

“(c) in section 24(1), by inserting after “First Schedule” the following:

“or in regulation 4(5), 9(4) or 10(2) of the Activities of Doctors in Training Regulations”,” and

“(d) in section 24(4)(a), by inserting after “section 5, 15 or 16” the following:

“or regulation 4(5), 9(4) or 10(2) of the Activities of Doctors in Training Regulations”,”.



GIVEN under my Official Seal,  
23 November 2010.

MARY HARNEY,  
Minister for Health and Children.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These Regulations amend the European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004 (S.I. No. 494 of 2004), providing for derogations from the break and rest provisions where equivalent periods of compensatory rest are provided.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
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