

**Chief Officers of Home Office Police Forces  
in England and Wales**

22 September 2011

Dear Chief Officer,

**The Working Time Regulations 1998 and the Special Constabulary- (NPIA  
Circular 03/2011)**

Please find attached a copy of NPIA Circular 03/2011 relating to the Working Time Regulations 1998 and the Special Constabulary.

**Background**

This circular provides updated guidance to police forces about the application of the Working Time Regulations 1998 SI 1998/1833 (WTR) to members of the Special Constabulary in England and Wales. It has been produced following requests from forces seeking clarity over the legal status of special constables in relation to the WTR. It supersedes the guidance contained in Home Office Circular 54/1999.

The WTR transpose the European Union Working Time Directive to UK legislation. Volunteer police officers are expressly included within the scope of this directive, as special constables are classified as workers under the WTR.

The circular is intended as a means to support and assist forces by highlighting particular areas and issues of relevance relating to members of the Special Constabulary, rather than a way to prescribe a rigid set of procedures to which police forces must adhere. Many police forces may already have the necessary procedures in place to adequately manage their responsibilities as employers under this legislation. However, it will be in the interests of all forces to familiarise themselves with the details contained in the circular to support compliance.

Police forces should note that this circular is not an exhaustive guide to the WTR nor is it intended to outline any defined procedure that forces must apply to their working arrangements for special constables. As such, forces may wish to seek their own legal advice in relation to the legislation contained in the guidance.

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Forces should further note that the responsibility for complying with the WTR, the implications and management of its application will rest with individual forces, as does the local structure and priorities of the Special Constabulary.

### Key Changes

As this circular replaces Home Office Circular 54/1999 forces will need to be aware of the notable amendments and additions in respect of the position on the WTR and the Special Constabulary. These are as follows:

- Recommended noteworthy 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 (Annex A)
- An example workforce agreement relating to rest periods for Special Constables (Annex B)
- A revised example opt-out agreement form for Special Constables (Annex C)

The content of the circular has been updated to ensure it remains accurate and in line with the current law and other minor changes reflect this.

Yours Sincerely,



**Merielle Ghali**

Policy and Strategy Manager  
Workforce Strategy Unit