



STATUTORY INSTRUMENTS.

S.I. No. 11 of 2025



EUROPEAN COMMUNITIES (ORGANISATION OF WORKING TIME)
(DEFENCE FORCES) REGULATIONS 2025

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The Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on him by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, hereby makes the following regulations:

1. These Regulations may be cited as the European Communities (Organisation of Working Time) (Defence Forces) Regulations 2025.

2. The Organisation of Working Time Act 1997 (No. 20 of 1997) is amended –

- (a) in section 2(1), in the definition of “employee”, by the insertion, after “the State or Government, as the case may be,” of “a person holding office under, or in the service of, the State as a member of the Defence Forces shall be deemed to be an employee employed by the State or Government, as the case may be,”,
- (b) in section 3 –
 - (i) in subsection (1), by the deletion of “or the Defence Forces”,
 - (ii) by the insertion of the following subsections after subsection (1):

“(1A) Subject to subsection (4), this Act shall not apply to a member of the Defence Forces where the member is –

 - (a) on active service within the meaning of section 5 of the Defence Act 1954,
 - (b) deemed to be on active service in accordance with section 4(1) of the Defence (Amendment) (No. 2) Act 1960,
 - (c) despatched for service outside the State under subsection (1) of section 3 of the Defence (Amendment) Act 2006 for any purpose referred to in paragraph (b), (d), (e) or (f) of that subsection,
 - (d) engaged in duties and tasks while on sailing orders,
 - (e) engaged in operations in aid to the civil power,

- (f) in barracks during an assigned duty period relating to explosive ordnance duties, or deployed to perform such duties,
- (g) engaged in fire crew duties at Casement Aerodrome, Baldonnell,
- (h) engaged in operational activities as a member of the Army Ranger Wing,
- (i) engaged in –
 - (i) induction training,
 - (ii) Special Operations Force Qualification,
 - (iii) essential training prior to a period of active service within the meaning of section 4(1) of the Defence (Amendment) (No. 2) Act 1960, or
 - (iv) essential training prior to a period of despatch for service outside the State in accordance with section 3(1) of the Defence (Amendment) Act 2006 for any purpose referred to in paragraph (b), (d), (e) or (f), or
- (j) engaged in activities of a special nature on the direction of Government, or in support of a state body, that cannot, due to the nature of the activities in question, be performed in compliance with the provisions of this Act.

(1B) In subsection (1A), ‘state body’ means –

- (a) a Minister of the Government, or
- (b) a person –
 - (i) established by or under any enactment (other than the Companies Act 2014 or a former enactment relating to companies within the meaning of section 5 of that Act), or
 - (ii) established under the Companies Act 2014, or a former enactment relating to companies within the meaning of section 5 of that Act, in

pursuance of powers conferred by
or under another enactment,

and financed wholly or partly, whether directly
or indirectly, by means of moneys provided, or
loans made or guaranteed, by a Minister of the
Government or the issue of shares held by or on
behalf of a Minister of the Government.”, and

- (iii) in subsection (4), by the substitution of “subsection (1), paragraphs (a) to (j) of subsection (1A) or subsection (2)” for “subsection (1) or (2)”,

and

- (c) in section 17 –

- (i) in subsection (1), by the substitution of “and the employee’s employer shall, other than where the employee is a person holding office under, or in the service of, the State as a member of the Defence Forces, ensure” for “and the employee’s employer shall ensure”, and
- (ii) in subsection (1A), by the substitution of “an employee, other than a person holding office under, or in the service of, the State as a member of the Defence Forces, shall have the right” for “an employee shall have the right”.



GIVEN under the Official Seal of the Minister for Enterprise,
Trade and Employment,
20 January, 2025.

PETER BURKE,
Minister for Enterprise, Trade and Employment.

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