

STATUTORY INSTRUMENTS

2003 No. 3319

The Conduct of Employment Agencies and Employment Businesses Regulations 2003

PART V

SPECIAL SITUATIONS

Situations where more than one agency or employment business is involved

23.—^{F1}(1) An agency (“A”) acting for a work-seeker whom it is permitted by regulation 26(1) to charge for work-finding services may not enter into any contract or arrangement with another agency (“B”) with a view to B providing or facilitating the provision of such services in relation to the work-seeker unless—

- (a) A has ensured that the hirer has been informed that any payment due to the work-seeker must be paid either directly to the work-seeker, or to A, rather than to B; or
- (b) A and B have agreed that B may receive any payment due to the work-seeker and the following conditions are met—
 - (i) they have agreed that B shall pass the monies to A or to the work-seeker within 10 days of receipt by B of the same;
 - (ii) provided that the applicable law of the agreement between A and B does not prevent it, they have agreed that the work-seeker may enforce the term referred to in subparagraph (b)(i) in the event that B fails to pass the monies to A or the work-seeker within the 10 day period; and
 - (iii) the terms of the agreement reached between A and B in accordance with subparagraphs (b)(i) and (ii) are recorded in paper form or by electronic means.]

(2) Neither an agency nor an employment business (“A”) may assign or sub-contract any of its obligations under any contract or arrangement with a work-seeker or hirer to another agency or employment business (“B”) unless—

- (a) A has obtained the prior consent of the work-seeker or hirer for whom it acts to B performing those obligations in place of A;
- (b) the terms upon which those obligations are assigned or sub-contracted are recorded in a single document; and
- (c) A has given the work-seeker or hirer, for whom it acts, a copy of that document.

F1 [Reg. 23\(1\)](#) substituted (8.5.2016) by [The Conduct of Employment Agencies and Employment Businesses \(Amendment\) Regulations 2016 \(S.I. 2016/510\)](#), regs. 1(2), **2(6)**

Changes to legislation:

There are currently no known outstanding effects for the The Conduct of Employment Agencies and Employment Businesses Regulations 2003, Section 23.