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DRAFT STATUTORY INSTRUMENTS

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**2022 No. 0000**

**EMPLOYMENT AGENCIES, ETC**

**The Conduct of Employment Agencies and Employment  
Businesses (Amendment) Regulations 2022**

*Made* - - - - *\*\*\**

*Coming into force in accordance with Regulation 1*

The Secretary of State, having consulted such bodies as appear to the Secretary of State representative of the interests concerned<sup>(a)</sup>, makes the following Regulations in exercise of the powers conferred by sections 5(1) and 12(3) of the Employment Agencies Act 1973<sup>(b)</sup>.

A draft of these Regulations was laid before Parliament in accordance with section 12(5) of the Employment Agencies Act 1973<sup>(c)</sup> and approved by resolution of each House of Parliament.

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2022.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales and Scotland.

**Amendment to the Conduct of Employment Agencies and Employment Businesses Regulations 2003**

**2.** The Conduct of Employment Agencies and Employment Businesses Regulations 2003<sup>(d)</sup> are amended as follows—

(a) omit regulation 7 (restriction on providing work-seekers in industrial disputes); and

(b) in paragraph 4(1) of Schedule 1 (Transitional and Saving Provisions) omit “7 (restriction on providing work-seekers in industrial disputes),”.

Date	Name Title Department for Business, Energy and Industrial Strategy
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(a) Section 12(2) of the Employment Agencies Act 1973 (c. 35) requires the Secretary of State to consult with representative bodies before making regulations under that Act.

(b) 1973 c. 35. Section 5(1) was amended by the Employment Relations Act 1999 (c. 26), section 31 and Schedule 7, paragraphs 1, 2(1) and (2).

(c) Section 12(5) was amended by the Employment Relations Act 1999, section 31 and Schedule 7, paragraphs 1 and 6.

(d) S.I. 2003/3319.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations will come into force on the day after the day on which they are made and will amend the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (S.I. 2003/3319) (the “Conduct Regulations”).

These Regulations will remove the prohibition set out at regulation 7 of the Conduct Regulations, preventing employment businesses from introducing or supplying agency workers to hirers to replace individuals taking part in official strike or official industrial action or to replace individuals who have themselves been transferred by the hirer to perform the duties of the person on strike or taking industrial action. A breach of regulation 7 is a criminal offence punishable by a fine further to section 5(2) of the Employment Agencies Act 1973. Such breach may also trigger civil liability under regulation 30 of the Conduct Regulations.

Regulation 2(a) revokes regulation 7 (restriction on providing work-seekers in industrial disputes) of the Conduct Regulations thus enabling employment businesses to provide agency workers to hirers during official strike or industrial action, removing the prohibition and potential breach of the Conduct Regulations thereunder.

Regulation 2(b) makes a consequential amendment resulting from the revocation of regulation 7.

The impact assessment will be published in good time before any parliamentary debates on these regulations and will be available on [legislation.gov.uk](http://legislation.gov.uk).

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