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STATUTORY INSTRUMENTS

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**2003 No. 2682**

**The Income Tax (Pay As You Earn) Regulations 2003**

**PART 1**

**INTRODUCTION**

*Application to payers and payees*

**Application to agencies and agency workers**

**10.**—(1) For the purposes of these Regulations—

- (a) agencies are treated as employers; and
- (b) agency workers are treated as employees.

(2) For the purposes of the regulations listed in paragraph (3), an agency ceases to employ an agency worker at the earlier of—

- (a) the end of the relationship between the agency and agency worker, or
- (b) the end of a period of 3 months during which the agency makes no relevant payments to the agency worker,

and not each time the agency worker stops providing services to a client of the agency.

(3) The regulations are—

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regulation 36	cessation of employment: Form P45
regulation 37	PAYE income paid after employment ceased
regulation 46(6)	employer to ignore code relating to employment which has ceased
regulation 51(5) to (7)	effects of employment ceasing on Form P45 procedure
regulation 94(3) to (7)	information to former employees of other earnings.

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(4) The following regulations do not apply to agencies or agency workers in their capacity as such—

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regulation 34	simplified deduction scheme for personal employees
regulation 35	simplified deduction schemes: records
regulation 91	termination awards: information to be provided

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regulation 92	termination awards: return if award changes
regulation 93	termination awards: return if more than one employer
regulation 96	termination awards: information to employees
Part 6	PAYE settlement agreements
regulation 167	jobseeker's allowance paid by employer
regulation 168	regulation 167 cases: application of other regulations.

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