
STATUTORY INSTRUMENTS

2003 No. 3319

The Conduct of Employment Agencies and
Employment Businesses Regulations 2003

PART VII E+W+S

MISCELLANEOUS

[^{F1}Advertising in ^{F2}... EEA states E+W+S

27A.—(1) An agency or employment business must not publish a relevant recruitment advertisement in an EEA state ^{F3}... unless—

- (a) it publishes the advertisement in English in Great Britain at the same time as it publishes the advertisement in the ^{F4}... EEA state; or
- (b) it has published the advertisement in English in Great Britain for all or part of the period of 28 days ending with the day on which it publishes the advertisement in the ^{F4}... EEA state.

(2) Paragraph (1) does not apply if the relevant recruitment advertisement concerns a vacancy for a worker to act solely for, and under the control of, the agency or employment business itself.

(3) It is a defence in any proceedings under—

- (a) section 5(2) of the Act, or
- (b) regulation 30,

in respect of a contravention of paragraph (1) that the agency or employment business believes, on reasonable grounds, that publishing the relevant recruitment advertisement in English in Great Britain would be disproportionate having regard to the likelihood that doing so would bring the advertisement to the attention of a person with the skills sought by the agency or employment business.

(4) For the purposes of this regulation—

- (a) “publish” means make, or cause to be made, available to the public or a section of the public,
- (b) an advertisement on a website is taken to be published in all places from which the website can be accessed,
- (c) “a relevant recruitment advertisement” means either—
 - (i) an advertisement in respect of a particular vacant position, the duties of which are ordinarily to be performed in Great Britain, or
 - (ii) an advertisement by which an agency or employment business seeks to identify worker-seekers who are looking for a position, the duties of which are ordinarily to be performed in Great Britain.]

Changes to legislation: There are currently no known outstanding effects for the *The Conduct of Employment Agencies and Employment Businesses Regulations 2003, Section 27A*. (See end of Document for details)

Textual Amendments

- F1** Reg. 27A substituted (8.5.2016) by [The Conduct of Employment Agencies and Employment Businesses \(Amendment\) Regulations 2016 \(S.I. 2016/510\)](#), regs. 1(2), **2(7)**
- F2** Word in reg. 27A heading omitted (31.12.2020) by virtue of [The Employment Rights \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/536\)](#), reg. 1(1), **Sch. para. 3(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 27A(1) omitted (31.12.2020) by virtue of [The Employment Rights \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/536\)](#), reg. 1(1), **Sch. para. 3(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in reg. 27A(1)(a)(b) omitted (31.12.2020) by virtue of [The Employment Rights \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/536\)](#), reg. 1(1), **Sch. para. 3(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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There are currently no known outstanding effects for the The Conduct of Employment Agencies and Employment Businesses Regulations 2003, Section 27A.