
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (S.I. 2003/3319) (“the 2003 Regulations”) and come into force on 6th April 2016. These Regulations reduce certain regulatory burdens on employment agencies and employment businesses and make provision in relation to recruitment advertising outside Great Britain.

Regulation 2(2) revokes regulation 9 of the 2003 Regulations. There will no longer be a restriction on employment agencies and employment businesses purporting to act on a different basis.

Regulation 2(3) revokes regulation 11 of the 2003 Regulations. There will no longer be a restriction on employment agencies and employment businesses entering into a contract on behalf of a work-seeker with a hirer or entering into a contract on behalf of a hirer with a work-seeker.

Regulation 2(5) revokes regulation 17 of the 2003 Regulations. There will no longer be a requirement for employment agencies or employment businesses to obtain agreement to terms with hirers.

Regulation 2(6) amends regulation 23 of the 2003 Regulations. This removes the requirements in situations where there is more than one employment agency or employment businesses involved in providing work-finding services unless the employment agency is acting for a work-seeker whom it is permitted by regulation 26(1) of the 2003 Regulations.

Regulation 2(7) replaces regulation 27A of the 2003 Regulations. It extends the coverage of the prohibition in the previous regulation 27A so that, subject to a defence, employment agencies and employment businesses that wish to advertise elsewhere in the EEA for work-seekers to take up jobs in Great Britain must also advertise in English in Great Britain. The difference is that generic advertising is targeted as well as advertising for specific vacancies.

Regulation 2(9) amends Schedule 4 of the 2003 Regulations. This removes the requirement on employment agencies and employment businesses to include certain particulars in their records relating to work-seekers.

Regulation 2(10) amends Schedule 5 of the 2003 Regulations. This removes the requirement on employment agencies and employment businesses to include certain particulars in their records relating to hirers.

Regulation 2(11) revokes Schedule 6 of the 2003 Regulations. This removes the requirement on employment agencies and employment businesses to include particulars in their records relating to other employment agencies or employment businesses.

Regulation 2(12) requires the Secretary of State to review the operation and effect of Parts 2, 3, 5 and 7 of the 2003 Regulations and publish a report within five years after these Regulations come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the relevant parts of the 2003 Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the relevant parts of the 2003 Regulations or to amend them.

Regulation 3 amends the Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014 (S.I. 2014/1615) (“the Merchant Shipping Regulations”). These are consequential amendments further to the amendments made to the 2003 Regulations. The Merchant Shipping Regulations implement part of Regulation 1.4 of the Maritime Labour Convention 2006 (Cm 7049).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector will be made available from the Department for Business, Innovation and Skills and on www.legislation.gov.uk before the instrument comes into force.