This draft Statutory Instrument supersedes the draft laid on the 19th November 2007 and published on the 23rd November 2007 and is being issued free of charge to all known recipients of that Statutory Instrument.
Draft Regulations laid before Parliament under section 12(5) of the Employment Agencies Act 1973, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

EMPLOYMENT AGENCIES, ETC.

The Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2007

Made - - - -	*****
Coming into force - -	*6th April 2008*

A draft of these Regulations was laid before Parliament in accordance with section 12(5) of the Employment Agencies Act 1973(**1**) and approved by a resolution of each House of Parliament:

The Secretary of State, in exercise of the powers conferred on him by sections 5(1)(**2**) and 6(1)(**3**) of that Act and having consulted such bodies as appear to him to be representative of the interests concerned, makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2007 and shall come into force on 6th April 2008.

Amendments to the Conduct of Employment Agencies and Employment Businesses Regulations 2003

2. The Conduct of Employment Agencies and Employment Businesses Regulations 2003(**4**) are amended as follows.

3. In regulation 5—

(a) for the heading, substitute "Restriction on use of additional services".

(**1**) 1973 c.35; section 12(5) as originally enacted was substituted by the Employment Relations Act 1999 (c.26), Schedule 7, paragraphs 1 and 6.
(**2**) Section 5(1) was amended by the Employment Relations Act 1999 (c.26), Schedule 7, paragraphs 1, 2(1) and (2).
(**3**) Section 6(1) as originally enacted was prospectively substituted by the Employment Relations Act 1999 (c.26), Schedule 7, paragraphs 1 and 3.
(**4**) S.I.2003/3319.

(b) the existing provision becomes subsection (1), and after that subsection insert—

"(2) Where the work-seeker uses services for which the Act does not prohibit the charging of a fee, an agency or employment business providing or making provision for such services shall ensure that the work-seeker is able to cancel or withdraw from those services at any time without incurring any detriment or penalty, subject to the work-seeker giving to the provider of those services in paper form or by electronic means notice of five business days or, for services relating to the provision of living accommodation, notice of ten business days.".

4. In regulation 13(1)(b)(iii) after "relates" insert "and a statement of the work-seeker's right to cancel or withdraw from the service and the notice period required".

5. In regulation 21—

(a) in paragraph (1) substitute "paragraphs (3), (4) and (5)" for "paragraph (3)".

(b) after paragraph (3) insert—

"(4) Subject to paragraphs (3) and (5), where an employment business intends to introduce or supply a work-seeker to a hirer for an assignment of five consecutive business days' duration or less—

(a) paragraph (1)(a)(i) may be satisfied by the employment business giving to the hirer (whether orally or otherwise) the name of the work-seeker to be supplied and a written confirmation by the employment business that it has complied with regulation 19; and

(b) paragraph (1)(b) may be satisfied, where the employment business has previously provided the work-seeker with the information referred to under that paragraph and that information remains unchanged, by the employment business giving to the work-seeker in paper form or by electronic means the information referred to in regulation 18(a) and (b).

(5) Where, after it has started, an assignment to which paragraph (4) applies is extended beyond a duration of five business days, the information referred to in paragraph (1) which has not already been provided shall be provided in paper form or by electronic means by the end of the eighth business day of the assignment, or by the end of the assignment if sooner.".

6. In regulation 22(3) substitute "paragraph (2)(a) and (b)" for "paragraph (2)(b)".

7. In regulation 26—

(a) at the end of paragraph (5)(c) substitute "; and" for the full stop.

(b) after paragraph (5)(c) insert—

"(d) where an agency proposes to include information about a work-seeker in a publication, for 7 days from the date of the agency and the work-seeker entering into any contract, whether written or oral and whether or not expressly mentioning fees permitted under this paragraph—

(i) no fee permitted under this paragraph shall be payable by the work-seeker;

(ii) the work-seeker shall be entitled without detriment or penalty to cancel or withdraw from any such contract with immediate effect by informing the agency of such cancellation or withdrawal; and

(iii) the agency shall not include the information in the publication.".

8. In regulation 28(1) substitute "Subject to regulation 20 neither" for "Neither".