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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 395**

**Conduct of Employment Agencies and Employment  
Businesses Regulations (Northern Ireland) 2005**

**PART V**

**SPECIAL SITUATIONS**

**Situations where more than one agency or employment business is involved**

**23.—(1)** Neither an agency nor an employment business (“A”) may enter into any contract or arrangement with another agency or employment business (“B”) with a view to B providing or facilitating the provision to a work-seeker or a hirer of any services of an agency or an employment business unless –

- (a) A has made enquiries to ascertain that B is suitable to act as an agency or employment business and received satisfactory answers to those enquiries;
- (b) A and B have agreed in what capacity each of them will act, namely whether as an agency or an employment business;
- (c) where A is acting as an agency in relation to a work-seeker whom it is permitted by regulation 26(1) to charge for work-finding services –
  - (i) A has ensured that the hirer has been informed that any payment due to the work-seeker must be paid either directly to the work-seeker, or to A, rather than to B; or
  - (ii) where A and B have agreed that B may receive any payment due to the work-seeker –
    - (aa) they have agreed that B shall pass the monies to A or to the work-seeker within 10 days of receipt by B of the same; and
    - (bb) provided that the applicable law of the agreement between A and B does not prevent it, they have agreed that the work-seeker may enforce the term referred to in sub-paragraph (c)(ii)(aa) in the event that B fails to pass the monies to A or the work-seeker within the 10-day period referred to therein; and
- (d) the terms of the agreement reached between A and B in accordance with sub-paragraphs (b) and (c)(ii) are recorded in paper form or by electronic means.

(2) Neither an agency nor an employment business (“A”) may assign or sub-contract any of its obligations under any contract or arrangement with a work-seeker or hirer to another agency or employment business (“B”) unless –

- (a) A has obtained the prior consent of the work-seeker or hirer for whom it acts to B performing those obligations in place of A;
- (b) the terms upon which those obligations are assigned or sub-contracted are recorded in a single document; and
- (c) A has given the work-seeker or hirer, for whom it acts, a copy of that document.