
STATUTORY INSTRUMENTS

2002 No. 2034

**The Fixed-term Employees (Prevention of
Less Favourable Treatment) Regulations 2002**

PART 5

EXCLUSIONS

Government training schemes etc.

18.—(1) These Regulations shall not have effect in relation to a fixed-term employee who is employed on a scheme, designed to provide him with training or work experience for the purpose of assisting him to seek or obtain work, which is either—

- (a) provided to him under arrangements made by the Government, or
- (b) funded in whole or part by an Institution of the European Community.

(2) These Regulations shall not have effect in relation to a fixed-term employee whose employment consists in attending a period of work experience not exceeding one year that he is required to attend as part of a higher education course.

(3) For the purpose of paragraph (2) “a higher education course” means—

- (a) in England and Wales, a course of a description referred to in Schedule 6 to the Education Reform Act 1988 ^{M1};
- (b) in Scotland, a course of a description falling within section 38 of the Further and Higher Education (Scotland) Act 1992 ^{M2}; and
- (c) in Northern Ireland, a course of a description referred to in Schedule 1 to the Further Education (Northern Ireland) Order 1997 ^{M3}.

Marginal Citations

M1 1988 c. 40.

M2 1992 c. 37; section 38 was amended by the [Education \(Scotland\) Act 1996 \(c. 43\)](#), [Schedule 5](#), paragraph 9.

M3 S.I. 1997/1772 (N.I. 15).

Agency workers

19.—^{F1}(1) Save in respect of paragraph 1 of Part 1 of Schedule 2, these Regulations shall not have effect in relation to employment under a fixed-term contract where the employee is an agency worker.]

(2) In this regulation “agency worker” means any person who is supplied by an employment business to do work for another person under a contract or other arrangements made between the employment business and the other person.

(3) In this regulation “employment business” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of supplying persons in the employment of the person carrying on the business, to act for, and under the control of, other persons in any capacity.

F1 Reg. 19(1) substituted (27.10.2008) by [Fixed-term Employees \(Prevention of Less Favourable Treatment\) \(Amendment\) Regulations 2008 \(S.I. 2008/2776\)](#), regs. 1, **2(2)**

Apprentices

20. These Regulations shall not have effect in relation to employment under a fixed-term contract where the contract is a contract of apprenticeship^{F2}[^{F3},] an apprenticeship agreement (within the meaning of section 32 of the Apprenticeships, Skills, Children and Learning Act 2009)]^{F4} or approved English apprenticeship agreement (within the meaning of section A1(3) of the Apprenticeships, Skills, Children and Learning Act 2009)].

F2 Words in reg. 20 inserted (9.1.2013) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments to Subordinate Legislation\) \(England and Wales\) Order 2012 \(S.I. 2012/3112\)](#), arts. 1, **3(2)**

F3 Reg. 20 substituted (26.5.2015) by [The Deregulation Act 2015 \(Consequential Amendments\) Order 2015 \(S.I. 2015/971\)](#), art. 1(2)(a), **Sch. 1 para. 1(2)(a)**

F4 Words in reg. 20 inserted (26.5.2015) by [The Deregulation Act 2015 \(Consequential Amendments\) Order 2015 \(S.I. 2015/971\)](#), art. 1(2)(a), **Sch. 1 para. 1(2)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, PART 5.