
STATUTORY INSTRUMENTS

2003 No. 3319

**The Conduct of Employment Agencies and
Employment Businesses Regulations 2003**

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.