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STATUTORY INSTRUMENTS

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**2008 No. 2776**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Fixed-term Employees (Prevention of Less Favourable Treatment) (Amendment) Regulations 2008**

*Made* - - - - 22nd October 2008  
*Coming into force* - - 27th October 2008

A draft of these Regulations was laid before Parliament in accordance with section 51(4) of the Employment Act 2002(1) and approved by a resolution of each House.

Accordingly, the Secretary of State for Work and Pensions in exercise of the powers conferred by sections 45 and 51(1) of the Employment Act 2002 makes the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Fixed-term Employees (Prevention of Less Favourable Treatment) (Amendment) Regulations 2008 and shall come into force on 27th October 2008.

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

2.—(1) The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002(2) shall be amended as follows.

(2) For regulation 19(1) (agency workers) substitute—

“(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.”.

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(1) 2002 c.22.  
(2) S.I. 2002/2034.

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**Status:** This is the original version (as it was originally made).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

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Signed by authority of the Secretary of State for Work and Pensions.

22nd October 2008

*William D.McKenzie*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (“the 2002 Regulations”).

Regulation 2 of these Regulations substitutes a new paragraph (1) in regulation 19 of the 2002 Regulations. The effect of the substituted paragraph is that paragraphs 2(b) and 4 of Schedule 11 to the Social Security Contributions and Benefits Act 1992 (c.4) (circumstances in which periods of entitlement to Statutory Sick Pay do not arise) are omitted in relation to employment under a fixed-term contract where the employee is an agency worker. An assessment of the impact of these regulations on the private and voluntary sectors has been made. Copies of this impact assessment are available in the libraries of both Houses of Parliament. Copies may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, level 4, the Adelphi, 1-11 John Adam Street, London WC2N 6HT, or from the DWP website: <http://www.dwp.gov.uk/resourcecentre/ria.asp>.