
STATUTORY INSTRUMENTS

2010 No. 1782

The Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2010

Amendment to regulation 26

11.—(1) In paragraph (5) of regulation 26 (circumstances in which fees may be charged to work-seekers)—

- (a) after “work-seeker”, where it first appears, insert “, who is not a work-seeker seeking employment as a photographic or fashion model.”;
- (b) in sub-paragraph (a) after “listed in Schedule 3” insert “, other than photographic or fashion model”;
- (c) in sub-paragraph (c) omit “, 14”;
- (d) for sub-paragraph (d) substitute—

“(d) in relation to a work-seeker who is not seeking employment as an actor, background artist, dancer, extra, musician, singer or other performer, where an agency proposes to include information about the work-seeker in a publication, for 7 days from the date of the agency and the work-seeker entering into a contract for such a service, whether written or oral and whether or not expressly mentioning fees permitted under this paragraph—

- (i) the agency shall not charge a fee permitted by this paragraph to a 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,

and before entering into any such contract the agency shall inform the work-seeker of the right to cancel or withdraw from any such contract and the time limit for exercising that right.”; and

- (e) after sub-paragraph (d) insert—

“(e) where an agency proposes to include information about a work-seeker seeking employment as an actor, background artist, dancer, extra, musician, singer or other performer in a publication, for 30 days from the date of the agency and the work-seeker entering into a contract for such a service, whether written or oral and whether or not expressly mentioning fees permitted under this paragraph—

- (i) the agency shall not charge a fee permitted by this paragraph to a work-seeker; and
- (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 before entering into any such contract the agency shall inform the work-seeker of the right to cancel or withdraw from any such contract and the time limit for exercising that right;

- (f) where an agency proposes to include information about a work-seeker referred to in sub-paragraph (e) in a publication, after the date of the agency and the work-seeker entering into the contract referred to in that sub-paragraph, the agency shall make available to the work-seeker a copy of the information and at the same time shall inform the work-seeker of the right to object, its effect and the time limit for exercising that right and for 7 days from the date on which the agency first makes available a copy of the information to the work-seeker—
 - (i) the agency shall not charge a fee permitted by this paragraph to a work-seeker;
 - (ii) the agency shall not include the information in the publication; and
 - (iii) the work-seeker is entitled to object to any aspect of the information relating to the work-seeker to be included in the publication by informing the agency of the objection;
- (g) where sub-paragraph (f) applies and the work-seeker informs the agency of an objection, the agency shall not charge a fee or include the information in the publication until the work-seeker's reasonable requirements have been addressed (even if addressing the requirements takes longer than the period referred to in that sub-paragraph); and
- (h) where an agency includes, or proposes to include, information about a work-seeker in a publication, the work-seeker is entitled to a full refund of the fees paid if the publication including that information is not produced and made available to potential hirers within 60 days from the date on which payment is made by the work-seeker

(2) After paragraph (5) insert—

“(5A) Where an agency makes available to the work-seeker a copy of the information referred to in paragraph (5)(f)—

- (a) during the period referred to in paragraph (5)(e), where the period referred to in paragraph (5)(f) has elapsed without an objection or where the reasonable requirements of the work-seeker have been addressed, paragraph (5)(e) continues to apply; or
- (b) after the period referred to in paragraph (5)(e) has elapsed, paragraph (5)(f) applies until the later of, the date on which the period referred to in paragraph (5)(f) has elapsed or, following an objection, the date on which the reasonable requirements of the work-seeker have been addressed.

(5B) Any reference in paragraph (5) to the inclusion of information about a work-seeker in a publication includes the inclusion of a photographic image or audio or video recording of the work-seeker in a publication.

(5C) Paragraph (5B) shall not be construed, when read with paragraph (5), as preventing an agency producing a photographic image or audio or video recording for the purpose of providing a copy of the image or recording to the work-seeker”.