
STATUTORY INSTRUMENTS

2003 No. 3319

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

PART VII

MISCELLANEOUS

Records

29.—(1) Subject to paragraph (6), every agency and every employment business shall keep records which are sufficient to show whether the provisions of the Act and these Regulations are being complied with including (subject to paragraph (3))—

- (a) the particulars specified in Schedule 4, in relation to every application received by the agency or employment business from a work-seeker; ^{F1}and]
- (b) the particulars specified in Schedule 5, in relation to every application received by the agency or employment business from a hirer; ^{F2}...

^{F3}(c)

(2) The records mentioned in paragraph (1) shall be kept for at least one year from the date of their creation, and in the case of the particulars referred to in sub-paragraphs (a) and (b) of paragraph (1), at least one year after the date on which the agency or employment business last provides services in the course of its business as an agency or an employment business to the applicant to whom they relate.

(3) Neither an agency nor an employment business is required to keep the particulars referred to in paragraphs (1)(a) or (1)(b) in respect of applications on which the agency or employment business takes no action.

(4) The records mentioned in paragraph (1) may be kept by an agency or employment business, either at any premises it uses for or in connection with the carrying on of an agency or employment business, or elsewhere. If they are kept elsewhere, the agency or employment business shall ensure that they are readily accessible by it and that it is reasonably practicable for any person employed by the agency or employment business at any premises it uses for or in connection with the carrying on of an agency or employment business to arrange for them to be delivered no later than the end of the second business day following the day on which a request under section 9 of the Act ^{M1} for them is made, to the premises at which that person is employed.

(5) The records an agency or employment business is required to keep pursuant to this regulation may be kept in electronic form, provided that the information so recorded is capable of being reproduced in legible form.

(6) This regulation does not apply to any records which an agency is required to preserve in accordance with paragraph 12 of Schedule 2.

^{F4}(7) For the purposes of paragraph (1)(a) of this regulation, so far as that paragraph requires an employment business to keep records of the particulars specified in paragraph 2A of Schedule 4,

the reference in paragraph (1) of this regulation to a work-seeker includes a work-seeker which is a company, whether or not an agreement has been made in accordance with paragraph (9) of regulation 32.]

- F1** Word in reg. 29(1)(a) inserted (8.5.2016) by [The Conduct of Employment Agencies and Employment Businesses \(Amendment\) Regulations 2016 \(S.I. 2016/510\)](#), regs. 1(2), **2(8)(a)**
- F2** Word in reg. 29(1)(b) omitted (8.5.2016) by virtue of [The Conduct of Employment Agencies and Employment Businesses \(Amendment\) Regulations 2016 \(S.I. 2016/510\)](#), regs. 1(2), **2(8)(b)**
- F3** Reg. 29(1)(c) omitted (8.5.2016) by virtue of [The Conduct of Employment Agencies and Employment Businesses \(Amendment\) Regulations 2016 \(S.I. 2016/510\)](#), regs. 1(2), **2(8)(c)**
- F4** Reg. 29(7) inserted (6.4.2020) by [The Conduct of Employment Agencies and Employment Businesses \(Amendment\) Regulations 2019 \(S.I. 2019/725\)](#), regs. 1, **4**

Marginal Citations

- M1** Section 9 was amended by the [Employment Protection Act 1975 \(c. 71\)](#), sections 114, 125(3), [Schedule 13](#), paragraph 6(1), (2), (3), [Schedule 18](#), the [Criminal Justice Act 1982 \(c. 48\)](#), [sections 37](#), [38](#), [46](#), the [Deregulation and Contracting Out Act 1994 \(c. 40\)](#), sections 35, 81, [Schedule 10](#), paragraph 1(4), [Schedule 17](#), and prospectively by the [Employment Relations Act 1999 \(c. 26\)](#), section 44, [Schedule 7](#), paragraphs 1, 4 and [Schedule 9](#), Table 8.

Changes to legislation:

There are currently no known outstanding effects for the The Conduct of Employment Agencies and Employment Businesses Regulations 2003, Section 29.