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STATUTORY INSTRUMENTS

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**2011 No. 1941**

**The Agency Workers (Amendment) Regulations 2011**

**Amendments to the Agency Workers Regulations 2010**

2.—(1) The Agency Workers Regulations 2010(1) are amended as follows.

(2) In regulation 3 (the meaning of agency worker), for paragraph (1)(b)(ii) substitute—

“(ii) any other contract with the agency to perform work or services personally.”.

(3) In regulation 10 (permanent contracts providing for pay between assignments), in paragraph (1)(c) after “during any period under the contract” insert “after the end of the first assignment under that contract”.

(4) In regulation 14 (liability of temporary work agency and hirer)—

(a) in paragraph (1) at the beginning insert “Subject to paragraph (3),”;

(b) in paragraph (2) omit the words “Subject to paragraph (3),”;

(c) in paragraph (3), for sub-paragraph (a) substitute—

“(a) obtained, or has taken reasonable steps to obtain, relevant information from the hirer—

(i) about the basic working and employment conditions in force in the hirer;

(ii) if needed to assess compliance with regulation 5, about the relevant terms and conditions under which an employee of the hirer is working where—

(aa) that employee is considered to be a comparable employee in relation to that agency worker for the purposes of regulation 5(4),  
and

(bb) those terms and conditions are ordinarily included in the contract of such a comparable employee;

and

(iii) which explains the basis on which it is considered that the employee referred to in sub-paragraph (ii)(aa) is a comparable employee;”;

(d) omit paragraph (4).

(5) In Schedule 2 (consequential amendments), in paragraph 16—

(a) for “paragraph (o)” substitute “paragraph (p)”;

(b) for “after paragraph (p)” substitute “after paragraph (q)”;

(c) in the words inserted as paragraph (q), for “(q)” substitute “(r)”.