
STATUTORY INSTRUMENTS

2002 No. 2034

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

PART 4

SPECIAL CLASSES OF PERSON

Crown employment

13.—(1) Subject to regulation 14, these Regulations have effect in relation to Crown employment and persons in Crown employment as they have effect in relation to other employment and other employees.

(2) For the purposes of paragraphs (1) and (3) a person is to be regarded as being in Crown employment only if—

- (a) he is in employment under or for the purposes of a government department or any officer or body exercising on behalf of the Crown functions conferred by a statutory provision, and
- (b) having regard to the terms and conditions under which he works, he would be an employee if he was not in Crown employment.

(3) For the purposes of the application of the provisions of these Regulations in relation to Crown employment and persons in Crown employment in accordance with paragraph (1)—

- (a) references to an employee shall be construed as references to a person in Crown employment;
- (b) references to a contract of employment shall be construed, in relation to a person in Crown employment, as references to the terms and conditions mentioned in paragraph (2)(b); and
- (c) references to dismissal shall be construed as references to the termination of Crown employment.

Armed forces

14.—(1) These Regulations—

- (a) do not apply to service as a member of the naval, military or air forces of the Crown, but
- (b) do apply to employment by an association established for the purposes of Part 11 of the Reserve Forces Act 1996^{M1}.

Marginal Citations

M1 1996 c. 14.

House of Lords staff

15.—(1) These Regulations have effect in relation to employment as a relevant member of the House of Lords staff as they have effect in relation to other employment.

(2) In this regulation “relevant member of the House of Lords staff” means any person who is employed under a contract with the Corporate Officer of the House of Lords by virtue of which he is an employee.

House of Commons staff

16.—(1) These Regulations have effect in relation to employment as a relevant member of the House of Commons staff as they have effect in relation to other employment.

- (2) In this regulation “relevant member of the House of Commons staff” means any person—
 - (a) who was appointed by the House of Commons Commission; or
 - (b) who is a member of the Speaker’s personal staff.

Police service

17.—(1) For the purposes of these Regulations, the holding, otherwise than under a contract of employment, of the office of constable or an appointment as a police cadet shall be treated as employment, under a contract of employment, by the relevant officer.

[^{F1}(1A) For the purposes of these Regulations, any constable or other person who has been seconded to SOCA to serve as a member of its staff shall be treated as employed by SOCA, in respect of actions taken by, or on behalf of, SOCA.

- (1B) For the purposes of regulation 12 (liability of employers and principals),—
 - (a) the secondment of any constable or other person to SOCA to serve as a member of its staff shall be treated as employment by SOCA (and not as being employment by any other person); and
 - (b) anything done by a person so seconded in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.]

- (2) In this regulation “the relevant officer” means—
 - (a) in relation to a member of a police force or a special constable or police cadet appointed for a police area, the chief officer of police (or, in Scotland, the chief constable);
 - ^{F2}(b)
 - (c) in relation to any other person holding the office of constable or an appointment as a police cadet, the person who has the direction and control of the body of constables or cadets in question.

[^{F3}(3) In this regulation “SOCA” means the Serious Organised Crime Agency.]

<p>F1 Reg. 17(1A) - Reg. 17(1B) inserted (1.4.2006) by The Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 (S.I. 2006/594), art. 1, Sch. para. 30(2)</p> <p>F2 Words in reg. 17(2) revoked (1.4.2006) by The Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 (S.I. 2006/594), art. 1, Sch. para. 30(3)</p> <p>F3 Reg. 17(3) inserted (1.4.2006) by The Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 (S.I. 2006/594), art. 1, Sch. para. 30(4)</p>

Changes to legislation:

There are currently no known outstanding effects for the The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, PART 4.