
STATUTORY INSTRUMENTS

2002 No. 2034

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

PART 5

EXCLUSIONS

Government training schemes etc.

18.—(1) These Regulations shall not have effect in relation to a fixed-term employee who is employed on a scheme, designed to provide him with training or work experience for the purpose of assisting him to seek or obtain work, which is either—

- (a) provided to him under arrangements made by the Government, or
- (b) funded in whole or part by an Institution of the European Community.

(2) These Regulations shall not have effect in relation to a fixed-term employee whose employment consists in attending a period of work experience not exceeding one year that he is required to attend as part of a higher education course.

(3) For the purpose of paragraph (2) “a higher education course” means—

- (a) in England and Wales, a course of a description referred to in Schedule 6 to the Education Reform Act 1988⁽¹⁾;
- (b) in Scotland, a course of a description falling within section 38 of the Further and Higher Education (Scotland) Act 1992⁽²⁾; and
- (c) in Northern Ireland, a course of a description referred to in Schedule 1 to the Further Education (Northern Ireland) Order 1997⁽³⁾.

Agency workers

19.—(1) These Regulations shall not have effect in relation to employment under a fixed-term contract where the employee is an agency worker.

(2) In this regulation “agency worker” means any person who is supplied by an employment business to do work for another person under a contract or other arrangements made between the employment business and the other person.

(3) In this regulation “employment business” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of supplying persons in the employment of the person carrying on the business, to act for, and under the control of, other persons in any capacity.

⁽¹⁾ 1988 c. 40.

⁽²⁾ 1992 c. 37; section 38 was amended by the Education (Scotland) Act 1996 (c. 43), Schedule 5, paragraph 9.

⁽³⁾ S.I.1997/1772 (N.I. 15).

Apprentices

20. These Regulations shall not have effect in relation to employment under a fixed-term contract where the contract is a contract of apprenticeship.