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STATUTORY INSTRUMENTS

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**2010 No. 93**

**The Agency Workers Regulations 2010**

**PART 4**

**Special Classes of Person**

**Crown employment and service as a member of the armed forces**

**21.**—(1) These Regulations have effect in relation to—

- (a) Crown employment,
- (b) service as a member of the armed forces of the Crown,
- (c) persons in Crown employment, and
- (d) persons in service as a member of the armed forces of the Crown,

as they have effect in relation to other employment and other employees.

(2) In paragraph (1) “Crown employment” means 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 but subject to paragraph (4).

(3) For the purposes of the application of the provisions of these Regulations in relation to Crown employment and service as a member of the armed forces of the Crown in accordance with paragraph (1)—

- (a) references to an employee shall be construed as references to a person in Crown employment or in service as a member of the armed forces of the Crown to whom the definition of employee is appropriate; and
- (b) references to a contract in relation to an employee shall be construed as references to the terms of employment of a person in Crown employment or in service as a member of the armed forces of the Crown to whom the definition of employee is appropriate.

(4) Crown employment—

- (a) does not include service as a member of the armed forces of the Crown, but
- (b) does include employment by an association established for the purposes of Part 11 of the Reserve Forces Act 1996<sup>(1)</sup>.

**House of Lords staff**

**22.**—(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 a worker.

### **House of Commons staff**

**23.**—(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**

**24.**—(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.

(2) 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.

(3) For the purposes of regulation 20—

- (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.

(4) In this regulation “the relevant officer” means—

- (a) in relation to a member of the 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); and
- (b) 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.

(5) In this regulation “SOCA” means the Serious Organised Crime Agency.