

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**
No. 3925 of 26 April, 2012

LEGAL NOTICE NO. 63 OF 2012.

INTERPRETATION AND GENERAL CLAUSES ACT

**COOPERATIVE SOCIETIES (SCE) ACT 2007
(AMENDMENT) REGULATIONS 2012**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act, and in order to partly transpose into the law of Gibraltar Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Cooperative Societies (SCE) Act 2007 (Amendment) Regulations 2012 and come into operation on the day of publication.

Amendment of Act.

2. The Cooperative Societies (SCE) Act 2007 is amended in accordance with the provisions of these Regulations.

Amendment to section 2.

3. In section 2 of the Act—

- (a) before the definition “concerned subsidiary or establishment” insert the definitions—

““agency worker” has the same meaning as in regulation 3 of the Agency Workers Regulations 2012;

“assignment” has the same meaning as in regulation 2 of the Agency Workers Regulations;”;

- (b) after the definition “employees’ representatives” insert the definition—

““hirer” has the same meaning as in regulation 2 of the Agency Workers Regulations;” and

(c) after the definition “subsidiary” insert the definitions–

““suitable information relating to the use of agency workers” means–

- (a) the number of agency workers working temporarily for and under the supervision and direction of the SCE or any subsidiary, in each EEA State;
- (b) the parts of the SCE’s or subsidiary’s undertaking and the concerned establishments in which those agency workers are working; and
- (c) the type of work those agency workers are carrying out;

“temporary work agency” has the same meaning as in regulation 4 of the Agency Workers Regulations 2012.”.

Amendment to section 3.

4. In section 3(1)–

(a) delete “and” at the end of paragraph (a); and

(b) insert the following paragraphs after paragraph (b)–

- “(c) the number of agency workers working temporarily for and under the supervision and direction of a participating individual, legal entity or subsidiary;
- (d) the parts of the undertaking and concerned establishments in which those agency workers are working; and
- (e) the type of work those agency workers are carrying out.”.

Amendment to section 4.

5. After section 4(5) insert the following subsection-

“(6) Where under the employee involvement agreement information is to be provided on the employment situation in the SCE, such information must include suitable information relating to the use of agency workers (if any) in that SCE.”.

Amendment to section 7.

6. After section 7(2) insert the following subsection-

“(2A) For the purposes of subsection (2), agency workers whose contract within regulation 3(1)(b) of the Agency Workers Regulations 2012 was not a contract of employment with one or more temporary work agencies that were participating individuals or SCEs at the relevant time, are to be treated as having been employed by such a temporary work agency or agencies for the duration of any assignment with a hirer.”.

Amendment to Schedule.

7. The Schedule is amended in Part 2: Standard rules for information and consultation, by inserting the following paragraph after paragraph (6)-

“(6A) Where under paragraphs (3) to (6) the competent organ of the SCE is to provide information on the employment situation in the SCE, such information must include suitable information relating to the use of agency workers (if any) in that SCE.”.

Dated 26th April, 2012.

J J BOSSANO,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Cooperative Societies (SCE) Act 2007 in order to make provisions for agency workers as required by Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work.

