

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

LEGAL NOTICE NO. 66 OF 2012.

INTERPRETATION AND GENERAL CLAUSES ACT

**EUROPEAN PUBLIC LIMITED-LIABILITY COMPANY ACT 2005
(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 European Public Limited-Liability Company Act 2005 (Amendment) Regulations 2012 and come into operation on the day of publication.

Amendment to section 16.

2. The European Public Limited-Liability Company Act 2005 (the Act) is amended in section 16(1) by inserting the following definitions—

(a) after the definition of “absolute majority vote” insert—

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

(b) after the definition of “subsidiary of a company” insert—

““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 undertaking;

(b) the parts of the undertaking in which those agency workers are working; and

- (c) the type of work those agency workers are carrying out.”.

Amendments to section 18.

3. The Act is amended in section 18(2) by–

- (a) omitting “and” at the end of paragraph (b);
- (b) by substituting “; and” for “.” at the end of paragraph (c); and
- (c) by inserting after paragraph (c) the following paragraphs–
 - “(d) the number of agency workers working temporarily for and under the supervision and direction of the undertaking;
 - (e) the parts of the undertaking in which those agency workers are working; and
 - (f) the type of work those agency workers are carrying out.”.

Amendments to section 28.

4. The Act is amended in section 28 by inserting the following subsection after subsection (3)–

- “(3A) Where under the employee involvement agreement the competent organ of the SE is to provide information on the employment situation in that company, such information must include suitable information relating to the use of agency workers (if any) in that company. ”.

Amendments to section 32.

5. The Act is amended in section 32 by inserting the following subsection after subsection (3)–

- “(3A) This subsection applies to an agency worker whose contract within regulation 3(1)(b) of the Agency Workers

Regulations 2012 (contract with the temporary work agency)
is not a contract of employment–

- (a) for the purposes of subsection (3)(a) and (b), any agency worker who has a contract with a temporary work agency, which was at the relevant time a participating company, is to be treated as having been employed by that temporary work agency for the duration of their assignment with a hirer; and
- (b) in this subsection “assignment” and “hirer” have the same meaning as in regulation 2, and “temporary work agency” has the same meaning as in regulation 4, of the Agency Workers Regulations 2012.”.

Amendment to Schedule 2.

6. The Act is amended in Part 2 of Schedule 2 by inserting the following subparagraph after paragraph 6(5) –

“(5A) Where under the provisions of this Part, the competent organ of the SE is to provide information on the employment situation in that company, such information must include suitable information relating to the use of agency workers (if any) in that company.”.

Dated 26th April, 2012.

J J BOSSANO,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the European Public Limited-Liability Company Act 2005 to make provision 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.

