



Litigation and Employment Group

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Please Quote: LT94612A/LJM/3B

Your Reference: RS/Remedy 3

14 January 2010

Dear Sirs

AMENDMENTS TO THE CONDUCT OF EMPLOYMENT AGENCIES AND EMPLOYMENT BUSINESS REGULATIONS 2003

PRE-ACTION PROTOCOL LETTER OF RESPONSE

I write in response to your pre-action protocol letter before claim dated 11 December 2009.

The Claimant

The Claimant is Legal RemedyUK. We have been notified that the solicitors acting for them are Leigh Day & Co, Priory House, 25 St John's Lane, London EC1M 4LB, and we are responding to them.

The Defendant

The Defendant is the Secretary of State for Business Innovation and Skills, Department for Business, Innovation and Skills, 1 Victoria Street, London SW1H 0ET.

Reference details

Your reference: RS/Remedy 3

Our reference: LT93752A/LJM/3B

The details of the matter being challenged

The Claimant challenges the Defendant's decision to remove postgraduate medical deaneries ("Deaneries") from the scope of the Conduct of Employment Agencies and Employment Business Regulations 2003 ("the 2003 Regulations").

Response to the proposed claim

The Department for Business, Innovation and Skills ("the Department") has, of course, already concluded a public consultation on a proposal to exempt Deaneries from the 2003 Regulations. The Department of Health is also in ongoing discussions with the BMA about how best to address the issues in relation to the conduct of Deaneries, and believes that all relevant matters, including the potential exclusion of Deaneries from the scope of the 2003

David Dunleavy – Head of Division
Lee John-Charles – Team Leader



INVESTOR IN PEOPLE

Regulations and the implications of that proposed course of action, have been considered in the course of these discussions. However the Secretary of State for Business, Innovation and Skills wishes to ensure that all interested parties have an opportunity to comment on these matters and that these comments are taken into account before he reaches the correct decision in the public interest. Therefore, the Department will be re-consulting on whether to exclude Deaneries from the 2003 Regulations before deciding which action to take. In particular, interested parties will have an opportunity to respond to the Department's concern that the continued inclusion of Deaneries would cause significant difficulties as regards training and recruitment arrangements for junior doctors. The Department does not have a firm date for publishing the re-consultation, but will ensure that the consultation document is sent to Remedy UK.

Details of other interested parties

None.

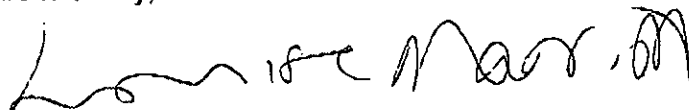
Address for further correspondence and service of court documents

Treasury Solicitor's Department, One Kemble Street, London WC2B 4TS.

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In light of our response, please confirm that your clients will not be proceeding with their proposed claim for judicial review.

Yours faithfully,



LOUISE MARRIOTT

For the Treasury Solicitor