

**THIS AGREEMENT
IS BETWEEN**

(insert name)
“The Contractor”
and

(insert name)
“The Recruitment Business”

1. I confirm that:

- a. I enter into these Terms of Business on behalf of The Contractor.
- b. Having considered the guidance published by the UK government on work status,⁽¹⁾ a copy of which is noted below, I consider myself to be genuinely in business on my own account and/or not under the direction and supervision of Recruitment Business or any End User of Recruitment Business. I therefore contract with your Recruitment Business as a profession or business undertaking to undertake Services on behalf of End Users of Agency as customers of my limited company.
- c. As such I do not consider myself to be an “Agency Worker” within the scope of AWR (further explanatory details of which are available from the Professional Contractors Group, Professional Passport and are also contained within the Department for Business Innovations & Skills Guidance note).⁽²⁾
- d. I understand that the Terms of Business between Contractor and Recruitment Business are IR35⁽³⁾ neutral and that I have considered the working arrangements between myself and the End User in order to determine whether or not my tax status is inside or outside the scope of IR35.

2. Statement of choice relating to relationship with Agency:

I accept that if I confirm to the Recruitment Business that I do consider myself to be an “Agency Worker”, these Terms of Business will no longer be appropriate and will automatically terminate. I will then be provided with Terms of Business which are consistent with me being an “Agency Worker” as defined within AWR. I understand that I or my accountant may be requested by Agency at any time to “confirm that the “deemed employed” payment calculation will be applied to all payments received under this Assignment as if I was inside the scope of IR35.

3. Declaration & Acknowledgement

I accept that if I do not return a signed copy of this declaration or indicate to the Recruitment Business that I wish to enter into alternative Terms of Business which are consistent with not being genuinely in business on my own account prior to 25 October 2011, that I will be deemed to have accepted the contents.

Signed	
Print name	
Dated	

Notes:

⁽¹⁾ www.direct.gov.uk/en/Employment/Understandingyourworkstatus/index.htm
⁽²⁾ www.bis.gov.uk/assets/biscore/employment-matters/docs/a/11-949-agency-workers-regulations-guidance.pdf
⁽³⁾ IR35 legislation as contained within Schedule 12 of the Finance Act 2000 (as amended) and Regulation 6 of the Social Security Contributions (Intermediaries) Regulations 2000.