



# Gangmasters (Licensing) Act 2004

## 2004 CHAPTER 11

### *Licensing*

#### **6 Prohibition of unlicensed activities**

- (1) A person shall not act as a gangmaster except under the authority of a licence.
- (2) Regulations made by the Secretary of State may specify circumstances in which a licence is not required.

#### **Commencement Information**

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| <b>I1</b> | <a href="#">S. 6(1)</a> in force at 1.10.2006 for specified purposes by <a href="#">S.I. 2006/2406</a> , <b>art. 2(a)</b> |
| <b>I2</b> | <a href="#">S. 6(1)</a> in force at 6.4.2007 for specified purposes by <a href="#">S.I. 2007/695</a> , <b>art. 2(a)</b>   |
| <b>I3</b> | <a href="#">S. 6(2)</a> in force at 1.12.2004 by <a href="#">S.I. 2004/2857</a> , <b>art. 2(f)</b>                        |

#### **7 Grant of licence**

- (1) The Authority may grant a licence if it thinks fit.
- (2) A licence shall describe the activities authorised by it and shall be granted for such period as the Authority thinks fit.
- (3) A licence authorises activities—
  - (a) by the holder of the licence, and
  - (b) by persons employed or engaged by the holder of the licence who are named or otherwise specified in the licence.
- (4) In the case of a licence held otherwise than by an individual, the reference in subsection (3)(a) to activities by the holder of the licence shall be read as a reference only to such activities as are mentioned in whichever of the following provisions applies—
  - section 20(2) (body corporate);
  - section 21(2) (unincorporated association);

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section 22(4) (partnership that is regarded as a legal person under the law of the country or territory under which it is formed).

(5) A licence shall be granted subject to such conditions as the Authority considers appropriate.

**Commencement Information**

**I4** S. 7 in force at 1.4.2005 by S.I. 2005/447, art. 2(a)

**8 General power of Authority to make rules**

(1) The Authority may [<sup>F1</sup>with the approval of the Secretary of State] make such rules as it thinks fit in connection with the licensing of persons acting as gangmasters.

(2) The rules may, in particular—

- (a) prescribe the form and contents of applications for licences and other documents to be filed in connection with applications;
- (b) regulate the procedure to be followed in connection with applications and authorise the rectification of procedural irregularities;
- (c) prescribe time limits for doing anything required to be done in connection with an application and provide for the extension of any period so prescribed;
- (d) prescribe the requirements which must be met before a licence is granted;
- (e) provide for the manner in which the meeting of those requirements is to be verified;
- (f) allow for the grant of licences on a provisional basis before it is determined whether the requirements for the grant of a licence are met and for the withdrawal of such licences (if appropriate) if it appears that those requirements are not met;
- (g) prescribe the form of licences and the information to be contained in them;
- (h) require the payment of such fees as may be prescribed or determined in accordance with the rules;
- (i) provide that licences are to be granted subject to conditions requiring the licence holder—
  - (i) to produce, in prescribed circumstances, evidence in a prescribed form of his being licensed, and
  - (ii) to comply with any prescribed requirements relating to the recruitment, use and supply of workers.

<sup>F2</sup>(3) .....

(4) In subsection (2) “prescribed” means prescribed by the rules.

**Textual Amendments**

**F1** Words in s. 8(1) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 18\(a\)](#); [S.I. 2016/603](#), reg. 3(u)

**F2** S. 8(3) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 18\(b\)](#); [S.I. 2016/603](#), reg. 3(u)

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**Commencement Information**

**I5** S. 8 in force at 1.4.2005 by [S.I. 2005/447](#), [art. 2\(b\)](#)

**9 Modification, revocation or transfer of licence**

- (1) The Authority may by notice in writing to the licensee modify or revoke any licence granted to him (including any of the conditions of that licence)—
  - (a) with the consent of the licensee, or
  - (b) where it appears to him that a condition of the licence or any requirement of this Act has not been complied with.
- (2) The modifications that may be made include one suspending the effect of the licence for such period as the Authority may determine.
- (3) A licence may be transferred with the written consent of the Authority and in such other cases as may be determined by the Authority.

**Commencement Information**

**I6** S. 9 in force at 1.4.2005 by [S.I. 2005/447](#), [art. 2\(c\)](#)

**10 Appeals**

- (1) The Secretary of State shall by regulations make provision for an appeal against any decision of the Authority—
  - (a) to refuse an application for a licence,
  - (b) as to the conditions to which the grant of the licence is subject,
  - (c) to refuse consent to the transfer of a licence, or
  - (d) to modify or revoke a licence.
- (2) The regulations shall make provision—
  - (a) for and in connection with the appointment of a person to hear and determine such appeals (including provision for the payment of remuneration and allowances to such a person), and
  - (b) as to the procedure to be followed in connection with an appeal.

**Commencement Information**

**I7** S. 10 in force at 1.12.2004 by [S.I. 2004/2857](#), [art. 2\(g\)](#)

**11 Register of licences**

- (1) The Authority shall establish and maintain a register of persons licensed under this Act.
- (2) The register shall contain such particulars as the Authority may determine of every person who for the time being holds a licence or whose activities are authorised by a licence (whether or not they are named in the licence).

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- (3) The Authority shall ensure that appropriate arrangements are in force for allowing members of the public to inspect the contents of the register.

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**Commencement Information**

**18** S. 11 in force at 1.10.2006 by S.I. 2006/2406, art. 2(b)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(7) inserted by [2015 c. 20 s. 92](#)