
STATUTORY INSTRUMENTS

1981 No. 839

The Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981

PART II

EMPLOYMENT AGENCIES

Supplementary provisions

Fraudulent applications and entries

Para. (1) rep. by 1994 c. 40

(2) Any person who makes or causes to be made or knowingly allows to be made any entry in a record or other document required to be kept in pursuance of this Part or of any regulations made thereunder which he knows to be false in a material particular shall be guilty of an offence.

(3) Any person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding^[F1] level 5 on the standard scale].

F1 1984 NI 3

[F2]Offences: extension of time limit

9A.—(1) For the purposes of paragraph (2) a relevant offence is an offence under Article ^{F3} . . . [F4, 7B(11)] or 9(2) for which proceedings are instituted by the Department.

(2) Notwithstanding Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (complaint to be made within 6 months of offence) a complaint relating to a relevant offence may be made at any time—

- (a) within 3 years after the date of the commission of the offence, and
- (b) within 6 months after the date on which evidence sufficient in the opinion of the Department to justify the proceedings came to its knowledge.

(3) For the purposes of this Article, a certificate of the Department as to the date on which evidence came to its knowledge is conclusive evidence.]

F2 1999 NI 9

F3 Words in art. 9A(1) repealed (3.8.2010) by [Employment Act \(Northern Ireland\) 2010 \(c. 12\), ss. 7\(2\), 8\(2\), Sch. 2](#)

F4 Words in art. 9A(1) inserted (15.1.2006) by [Employment \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2005 \(S.I. 2005/3424 \(N.I. 20\)\)](#), arts. 1(2), 2(3)

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[^{F5}Offences: cost of investigation

9B. The court in which a person is convicted of an offence under this Order may order him to pay to the Department a sum which appears to the court not to exceed the costs of the investigation which resulted in the conviction.]

F5 1999 NI 9

Regulations

10.—(1) Subject to paragraph (2), the Department shall have power to make regulations for prescribing anything which under this Part is to be prescribed.

(2) The Department shall not make any regulations under this Part except after consultation with such bodies as appear to it to be representative of the interests concerned.

[^{F6}(5) Regulations under Article 6(1) or 7(1) shall not be made unless a draft has been laid before, and approved by resolution of, the Assembly.

(6) Regulations under Article 11(5)(g) shall be subject to negative resolution.]

F6 1999 NI 9

Interpretation of Part II

11.—(1) In this Part—

Definition rep. by 1994 c.40

“employment” includes—

- (a) employment by way of a professional engagement or otherwise under a contract for services;
- (b) the reception in a private household of a person under an arrangement whereby that person is to assist in the domestic work of the household in consideration of receiving hospitality and pocket money or hospitality only;

and “worker” and “employer” shall be construed accordingly;

“employment agency” has the meaning assigned by paragraph (2) but does not include any arrangements, services, functions or business to which this Part does not apply by virtue of paragraph (5);

“employment business” has the meaning assigned by paragraph (3) but does not include any arrangements, services, functions or business to which this Part does not apply by virtue of paragraph (5);

“fee” includes any charge however described;

Definition rep. by 1994 c. 40

“organisation” includes an association of organisations;

“organisations of employers” means an organisation which consists wholly or mainly of employers and whose principal objects include the regulation of relations between employers and workers or organisations of workers;

“organisation of workers” means an organisation which consists wholly or mainly of workers and whose principal objects include the regulation of relations between workers and employers or organisations of employers;

“prescribed” means prescribed by regulations made under this Part by the Department;

[^{F7}“prohibition order” has the meaning given by Article 5A(2);]

Definition rep. by 1994 c. 40

(2) For the purpose of this Part “employment agency” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of providing services (whether by the provision of information or otherwise) for the purpose of finding[^{F8} persons] employment with employers or of supplying employers with[^{F8} persons] for employment by them.

(3) For the purposes of this Part “employment business” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of supplying persons in the employment of the person carrying on the business, to act for, and under the control of, other persons in any capacity.

(4) The reference in paragraph (2) to providing services does not include a reference—

(a) to publishing a newspaper or other publication unless it is published wholly or mainly for the purpose mentioned in that paragraph;

(b) to the display by any person of advertisements on premises occupied by him otherwise than for the said purpose;[^{F9} or]

[^{F9}(c) to providing a programme service (within the meaning of the Broadcasting Act 1990.)]

(5) This Part does not apply to—

(a) any business which is carried on exclusively for the purpose of obtaining employment for—

(i) persons formerly members of Her Majesty's naval, military or air forces; or

(ii) persons released from a prison or young offenders' centre;

and which is certified annually by or on behalf of the Admiralty Board of the Defence Council, the Army Board of the Defence Council or the Air Force Board of the Defence Council or by the Secretary of State (as the case may be) to be properly conducted;

Sub#para (b) rep. by 2003 NI 9

(c) services which are ancillary to the letting upon hire of any aircraft, vessel, vehicle, plant or equipment;

Sub#para. (d) rep. by 1994 c. 40

(e) services provided by any organisation of employers or organisation of workers for its members;

(f) careers or employment services provided or controlled by one or more of the following—

(i) a university;

Head (ii) rep. by 1984 NI 10

(iii) an institution of further education within the meaning of the Education and Libraries (Northern Ireland) Order[^{F10} 1986];

[^{F10}(iv) a college of education within the meaning of that Order;]

(v) a school within the meaning of that Order.

[^{F11}(g) any prescribed business or service, or prescribed class of business or service or business or service carried on or provided by prescribed persons or classes of person.]

Para. (6) rep. by 2003 NI 9

F7 1994 c.40

F8 1999 NI 9

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F9	1990 c.42
F10	1986 NI 3
F11	1999 NI 9

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Changes and effects yet to be applied to :

- rev in pt and am (prosp) by [1994 c. 40 s. 35Sch.10 Pt I para 2](#)

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

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

- art.1 lart.1(5)(d) rev in pt (prosp) by [1994 c. 40 ss. 3581Sch.10 Pt II para 5Sch.17](#)
- arts.34589(1) revoked by [1994 c. 40 s. 81Sch.17](#)