



Employment Agencies Act 1973

1973 CHAPTER 35

An Act to regulate employment agencies and businesses; and for connected purposes. [18th July 1973]

Modifications etc. (not altering text)

C1 Act excluded by [S.I. 1979/1741](#)

Licences

F1

Textual Amendments

F1 [S. 1](#) repealed (3.1.1995) by [1994 c. 40](#), ss. 35, 81, Sch. 10 Pt. I para. 1(2), [Sch. 17](#); [S.I. 1994/3188](#), [arts. 2, 3](#)

F2

Textual Amendments

F2 [S. 2](#) repealed (3.1.1995) by [1994 c. 40](#), ss. 35, 81, Sch. 10 Pt. I para. 1(2), [Sch. 17](#); [S.I. 1994/3188](#), [arts. 2, 3](#)

F3

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Textual Amendments

F3 S. 3 repealed (3.1.1995) by 1994 c. 40, ss. 35, 81, Sch. 10 Pt. I para. 1(2), **Sch. 17**; S.I. 1994/3188, arts. 2, 3

[^{F4}Prohibition orders]

Textual Amendments

F4 Crossheading inserted (3.1.1995) by 1994 c. 40, s. 35, **Sch. 10 Pt. I para. 1(3)**; S.I. 1994/3188, arts. 2, 3

[^{F5}3A Power to make orders.

- (1) On application by the Secretary of State, an industrial tribunal may by order prohibit a person from carrying on, or being concerned with the carrying on of—
 - (a) any employment agency or employment business; or
 - (b) any specified description of employment agency or employment business.
- (2) An order under subsection (1) of this section (in this Act referred to as “a prohibition order”) may either prohibit a person from engaging in an activity altogether or prohibit him from doing so otherwise than in accordance with specified conditions.
- (3) A prohibition order shall be made for a period beginning with the date of the order and ending—
 - (a) on a specified date, or
 - (b) on the happening of a specified event,
 in either case, not more than ten years later.
- (4) Subject to subsections (5) and (6) of this section, an industrial tribunal shall not make a prohibition order in relation to any person unless it is satisfied that he is, on account of his misconduct or for any other sufficient reason, unsuitable to do what the order prohibits.
- (5) An industrial tribunal may make a prohibition order in relation to a body corporate if it is satisfied that—
 - (a) any director, secretary, manager or similar officer of the body corporate,
 - (b) any person who performs on behalf of the body corporate the functions of a director, secretary, manager or similar officer, or
 - (c) any person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act,
 is unsuitable, on account of his misconduct or for any other sufficient reason, to do what the order prohibits.
- (6) An industrial tribunal may make a prohibition order in relation to a partnership if it is satisfied that any member of the partnership, or any manager employed by the partnership, is unsuitable, on account of his misconduct or for any other sufficient reason, to do what the order prohibits.

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- (7) For the purposes of subsection (4) of this section, where an employment agency or employment business has been improperly conducted, each person who was carrying on, or concerned with the carrying on of, the agency or business at the time, shall be deemed to have been responsible for what happened unless he can show that it happened without his connivance or consent and was not attributable to any neglect on his part.
- (8) A person shall not be deemed to fall within subsection (5)(c) of this section by reason only that the directors act on advice given by him in a professional capacity.
- (9) In this section—
- “director”, in relation to a body corporate whose affairs are controlled by its members, means a member of the body corporate; and
- “specified”, in relation to a prohibition order, means specified in the order.]

Textual Amendments

F5 S. 3A inserted (3.1.1995) by 1994 c. 40, s. 35, Sch. 10 Pt. I para. 1(3); S.I. 1994/3188, arts. 2, 3

^{F6}**3B Enforcement.**

Any person who, without reasonable excuse, fails to comply with a prohibition order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

F6 S. 3B inserted (3.1.1995) by 1994 c. 40, s. 35, Sch. 10 Pt. I para. 1(3); S.I. 1994/3188, arts. 2, 3

^{F7}**3C Variation and revocation of orders.**

- (1) On application by the person to whom a prohibition order applies, an industrial tribunal may vary or revoke the order if the tribunal is satisfied that there has been a material change of circumstances since the order was last considered.
- (2) An industrial tribunal may not, on an application under this section, so vary a prohibition order as to make it more restrictive.
- (3) The Secretary of State shall be a party to any proceedings before an industrial tribunal with respect to an application under this section, and be entitled to appear and be heard accordingly.
- (4) When making a prohibition order or disposing of an application under this section, an industrial tribunal may, with a view to preventing the making of vexatious or frivolous applications, by order prohibit the making of an application, or further application, under this section in relation to the prohibition order before such date as the tribunal may specify in the order under this subsection.

Textual Amendments

F7 S. 3C inserted (3.1.1995) by 1994 c. 40, s. 35, Sch. 10 Pt. I para. 1(3); S.I. 1994/3188, arts. 2, 3

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F⁸3D Appeals.

- (1) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in proceedings before, an industrial tribunal under section 3A or 3C of this Act.
- (2) No other appeal shall lie from a decision of an industrial tribunal under section 3A or 3C of this Act; and section 11 of the Tribunals and Inquiries ^{M1} Act 1992 (appeals from certain tribunals to High Court or Court of Session) shall not apply to proceedings before an industrial tribunal under section 3A or 3C of this Act.

Textual Amendments

F8 S. 3D inserted (3.1.1995) by 1994 c. 40, s. 35, **Sch. 10 Pt. I para. 1(3)**; S.I. 1994/3188, **arts. 2, 3**

Marginal Citations

M1 1992 c. 53.

Conduct of employment agencies and employment businesses

5 General regulations.

- (1) The Secretary of State may make regulations to secure the proper conduct of employment agencies and employment businesses and to protect the interests of persons availing themselves of the services of such agencies and businesses, and such regulations may in particular make provision—
 - (a) requiring persons carrying on such agencies and businesses to keep records;
 - (b) prescribing the form of such records and the entries to be made in them;
 - (c) prescribing qualifications appropriate for persons carrying on such agencies and businesses;
 - (d) regulating advertising by persons carrying on such agencies and businesses;
 - (e) safeguarding clients' money deposited with or otherwise received by persons carrying on such agencies and businesses;
 - (f) regulating the provision of services by persons carrying on such agencies and businesses in respect of persons who seek employment outside the United Kingdom or of persons normally resident outside the United Kingdom who seek employment in the United Kingdom;
 - (g) regulating the provision of services by persons carrying on such agencies and businesses in respect of persons who are under the age of eighteen years or are undergoing full-time education:

Provided that regulations under this section shall not make provision for regulating or restricting the charging of fees to employers by persons carrying on such agencies and businesses.

- (2) Any person who contravenes or fails to comply with any regulation made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F9}level 5 on the standard scale].

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Textual Amendments
F9 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

6 Restriction on charging persons seeking employment, etc.

- (1) Except in such cases or classes of case as the Secretary of State may prescribe, a person carrying on an employment agency or an employment business shall not demand or directly or indirectly receive from any person any fee for finding him employment or for seeking to find him employment.
- (2) Any person who contravenes this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F10}level 5 on the standard scale].

Textual Amendments
F10 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

^{F11}7

Textual Amendments
F11 [S. 7](#) repealed (3.1.1995) by [1994 c. 40, s 81, Sch. 17](#); [S.I. 1994/3188, arts. 2, 3](#)

Supplementary provisions

8^{F12}

Textual Amendments
F12 [Ss. 2\(4\), 8](#) repealed by [Employment Protection Act 1975 \(c. 71\), Sch. 18](#)

9 Inspection.

- (1) Any officer [^{F13}duly authorised in that behalf by the Secretary of State] may at all reasonable times on producing, if so required, written evidence of his authority—
 - (a) enter any premises used or to be used for or in connection with the carrying on of an employment agency or employment business^{F14}. . . and any other premises which the officer has reasonable cause to believe are used for or in connection with the carrying on of an employment agency or employment business; and
 - (b) inspect those premises and any records or other documents kept in pursuance of this Act or of any regulations made thereunder; and

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- (c) subject to subsection (2) of this section, require any person on those premises to furnish him with such information as he may reasonably require for the purpose of ascertaining whether the provisions of this Act and of any regulations made thereunder are being complied with or of enabling the ^{F15}Secretary of State] to exercise ^{F15}his] functions under this Act.
- (2) A person shall not be required under paragraph (c) of subsection (1) of this section to answer any question tending to incriminate himself or, in the case of a person who is married, his or her wife or husband.
- (3) Any person who obstructs an officer in the exercise of his powers under paragraph (a) or (b) of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding ^{F16}level 3 on the standard scale]and any person who, without reasonable excuse, fails to comply with a requirement under paragraph (c) of that subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding ^{F16}level 3 on the standard scale].
- (4) (a) No information obtained in the course of exercising the powers conferred by subsection (1) of this section shall be disclosed except—
- (i) with the consent of the person by whom the information was furnished or, where the information was furnished on behalf of another person, with the consent of that other person or with the consent of the person carrying on or proposing to carry on the employment agency or employment business concerned; or
- (ii) . . . ^{F17}
- ^{F18}(ii) to the Secretary of State, or an officer or servant appointed by, or person exercising functions on behalf of, the Secretary of State for the purposes of the exercise of their respective functions under this Act; or
- ^{F19}(iii) by the Secretary of State, or an officer or servant appointed by, or persons exercising functions on behalf of, the Secretary of State to the person carrying on or proposing to carry on the employment agency or employment business concerned, to any person in his employment or, in the case of information relating to a person availing himself of the services of such an agency or business, to that person; or]
- ^{F18}(iv) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to or arising out of this Act or for the purposes of any ^{F20}proceedings under section 3A, 3C or 3D of this Act].
- (b) Any person who contravenes paragraph (a) of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding ^{F16}level 5 on the standard scale].

Textual Amendments

- F13** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(1\)](#)
- F14** Words in [s. 9\(1\)\(a\)](#) repealed (3.1.1995) by [1994 c. 40, s. 81](#), [Sch. 17](#); S.I. 1994/3188, [arts. 2, 3](#)
- F15** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(2\)](#)
- F16** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)
- F17** [S. 9\(4\)\(a\)\(ii\)\(iii\)](#) repealed by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 18](#)
- F18** Sub-para. renumbered by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(3\)](#)
- F19** [S. 9\(4\)\(a\)\(iii\)](#) inserted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(3\)](#)

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F20 Words in s. 9(4)(a)(iv) substituted (3.1.1995) by 1994 c. 40, s. 35, **Sch. 10 Pt. I para. 1(4)**; S.I. 1994/3188, **arts. 2, 3**

Modifications etc. (not altering text)

C2 S. 9(4): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. 1 para. 8**

10 Fraudulent applications and entries.

^{F21}(1)

- (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 Act 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 section shall be liable on summary conviction to a fine not exceeding [^{F22}level 5 on the standard scale].

Textual Amendments

F21 S. 10(1) repealed (3.1.1995) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3188, **arts. 2, 3**

F22 Words substituted by virtue of (E.W.) **Criminal Justice Act 1982 (c. 48, SIF 39:1)**, **ss. 38, 46** and (S.) **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1)**, **ss. 289F, 289G**

11 Offences by bodies corporate.

Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

VALID FROM 25/10/1999

[^{F23}11A Offences: extension of time limit.

- (1) For the purposes of subsection (2) of this section a relevant offence is an offence under section 3B, 5(2), 6(2), 9(4)(b) or 10(2) of this Act for which proceedings are instituted by the Secretary of State.
- (2) Notwithstanding section 127(1) of the ^{M2}Magistrates' Courts Act 1980 (information to be laid within 6 months of offence) an information relating to a relevant offence which is triable by a magistrates' court in England and Wales may be so tried if it is laid 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 Secretary of State to justify the proceedings came to his knowledge.
- (3) Notwithstanding section 136 of the ^{M3}Criminal Procedure (Scotland) Act 1995 (time limit for prosecuting certain statutory offences) in Scotland proceedings in respect

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of an offence under section 3B, 5(2), 6(2), 9(4)(b) or 10(2) of this Act may be commenced 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 Lord Advocate to justify the proceedings came to his knowledge.

- (4) For the purposes of this section a certificate of the Secretary of State or Lord Advocate (as the case may be) as to the date on which evidence came to his knowledge is conclusive evidence.]

Textual Amendments

F23 S. 11A inserted (25.10.1999) by 1999 c. 26, s. 31, Sch. 7 paras. 1, 5; S.I. 1999/2830, art. 2, Sch. 1 Pt. I

Marginal Citations

M2 1980 c. 43.

M3 1995 c. 46.

PROSPECTIVE

F25 F24

11B

Offences: cost of investigation.

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

Textual Amendments

F24 S. 11B inserted (*prosp.*) by 1999 c. 26, ss. 31, 45(1), Sch. 7 paras. 1, 5

F25 S. 11B inserted (6.4.2004) by Employment Relations Act 1999 (c. 26), ss. 31, s. 45(1), Sch. 7 para. 5; S.I. 2003/3357, art. 3

12 Regulations and orders.

- (1) Subject to the next following subsection, the Secretary of State shall have power to make regulations for prescribing anything which under this Act is to be prescribed.
- (2) The Secretary of State shall not make any regulations under this Act except after consultation with such bodies as appear to him to be representative of the interests concerned.
- (3) Regulations under this Act may make different provision in relation to different cases or classes of case.
- (4) The power of the Secretary of State to make regulations and orders under this Act shall be exercisable by statutory instrument.
- (5) A statutory instrument containing regulations under this Act, or an order under section 14(3) of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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13 Interpretation. **E+W**

(1) In this Act—

^{F26}

...

“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 subsection (2) of this section but does not include any arrangements, services, functions or business to which this Act does not apply by virtue of subsection (7) of this section;

“employment business” has the meaning assigned by subsection (3) of this section but does not include any arrangements, services, functions or business to which this Act does not apply by virtue of subsection (7) of this section;

“fee” includes any charge however described;

^{F26}

...

^{F27}

...

“local authority” in relation to England and Wales, means a county council, . . . ^{F28}, the Common Council of the City of London, a district council or a London borough council and, in relation to [^{F29}Scotland means a regional, islands or district council];

“organisation” includes an association of organisations;

“organisation 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 Act by the Secretary of State;

[^{F30}“prohibition order” has the meaning given by section 3A(2) of this Act;]

...

(2) For the purposes of this Act “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 workers employment with employers or of supplying employers with workers for employment by them.

(3) For the purposes of this Act “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 subsection (2) of this section 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 subsection;

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- (b) to the display by any person of advertisements on premises occupied by him otherwise than for the said purpose; . . . ^{F31}[^{F32}or
 - (c) to providing a programme service (within the meaning of the Broadcasting Act 1990).]
- (5) For the purposes of section 269 of the ^{M4}Local Government Act 1972, this Act shall be deemed to have been passed after 1st April 1974.
- (6) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.
- (7) This Act 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 ^{F33}custodial sentence passed by a criminal court in the United Kingdom, the Channel Islands or the Isle of Man;]
 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;
 - (b) any agency for the supply of nurses as defined in section 8 of the ^{M5}Nurses Agencies Act 1957 or section 32 of the ^{M6}Nurses (Scotland) Act 1951;
 - (c) the business carried on by any county or district nursing association or other similar organisation, being an association or organisation established and existing wholly or mainly for the purpose of providing patients with the services of a nurse to visit them in their own homes without herself taking up residence there;
 - (d) services which are ancillary to the letting upon hire of any aircraft, vessel, vehicle, plant or equipment;
 - ^{F34}(e)
 - (f) the exercise by a local authority [^{F35}, a police authority established under section 3 of the ^{M7}Police Act 1964][^{F36}, [^{F37}the Inner London Education Authority]or a joint authority established by Part IV of the Local Government Act 1985]of any of their functions;
 - ^{F38}(ff) the exercise by the Broads Authority of any of its functions;]
 - (g) services provided by any organisation of employers or organisation of workers for its members;
 - ^{F39}(ga) services provided in pursuance of arrangements made, or a direction given, under section 10 of the Employment and Training Act 1973;]
 - (h) services provided by an appointments board or service controlled by—
 - (i) one or more universities;
 - (ii) a central institution as defined in section 145 of the ^{M8}Education (Scotland) Act 1962 or a college of education as defined in the said section 145;
 - (i) any business carried on, or any services provided by, such persons or classes of persons as may be prescribed:

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Provided that paragraph (b) of this subsection shall not be taken as exempting from the provisions of this Act any other business carried on in conjunction with an agency for the supply of nurses.

- (8) Subsection (7)(c) of this section shall have effect in its application to Scotland as if at the end there were added the words “or mainly or substantially supported by voluntary subscriptions and providing patients with the services of a nurse whether or not the nurse takes up residence in the patient’s house”.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

- F26** Definitions in s. 13(1) repealed (3.1.1995) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3188, **arts. 2, 3**
- F27** Definition repealed by **Employment Protection Act 1975 (c. 71), Sch. 18**
- F28** Words repealed by **Local Government Act 1985 (c. 51, SIF 81:1)**, s. 102, **Sch. 17**
- F29** Words substituted by **Local Government (Scotland) Act 1973 (c. 65), Sch. 27 Pt. II para. 208(b)**
- F30** Definition in s. 13(1) inserted (3.1.1995) by 1994 c. 40, s. 35, **Sch. 10 Pt. I para. 1(5)**; S.I. 1994/3188, **arts. 2, 3**
- F31** Word repealed by **Cable and Broadcasting Act 1984 (c. 46, SIF 96)**, s. 57(1)(2), **Sch. 5 para. 27, Sch. 6**
- F32** Word “or” and s. 13(4)(c) substituted for s.13(4)(c)(d) by **Broadcasting Act 1990 (c. 42, SIF 96)**, s. 203(1), **Sch. 20 para. 18**
- F33** Words substituted (E.W.) by **Criminal Justice Act 1988 (c. 33, SIF 39:1)**, s. 123(6), **Sch. 8 Pt. I paras. 7, 16**
- F34** S. 13(7)(e) repealed (3.1.1995) by 1994 c. 40, **ss. 35, 81**, **Sch. 10 Pt. II para. 4, Sch. 17**; S.I. 1994/3188, **arts. 2, 3**
- F35** Words in s. 13(7)(f) inserted (1.10.1994 for certain purposes only and 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 50**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, **art. 4(1), Sch.**
- F36** Words substituted by **Local Government Act 1985 (c. 51, SIF 81:1)**, s. 84, **Sch. 14 para. 50**
- F37** Words repealed by **Education Reform Act 1988 (c. 40, SIF 41:1)**, s. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F38** S. 13(7)(ff) inserted (E.W.) by **Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1)**, s. 21, **Sch. 6 para. 11**
- F39** S. 13(7)(ga) inserted (1.4.1994 in relation to England and Scotland and 1.4.1995 for all other purposes) by 1993 c. 19, s. 49(2), **Sch. 8 para. 4**; S.I. 1993/2503, **art. 2(3), Sch. 3**

Modifications etc. (not altering text)

- C3** S. 13(7)(f) extended by S.I. 1985/1884, **art. 10, Sch. 3 para. 4(j)**
- C4** S. 13(7)(f) amended by **Local Government Act 1985 (c. 51, SIF 81:1)**, 57(7), **Sch. 13 para. 13(e)**
- C5** S. 13(7)(f) extended by S.I. 1987/2110, **art. 2, Sch. 1 para. 8(g)**
- C6** S. 13(7)(f) extended (5.7.1994) by 1994 c. 19, **ss. 39, 66(2), Sch. 13 para. 20(d)** (with **ss. 54(5)(7), 55(5), Sch. 17 paras. 2291, 23(2)**)

Marginal Citations

- M4** 1972 c. 70.
- M5** 1957 c. 16.
- M6** 1951 c. 55.
- M7** 1964 c. 48.
- M8** 1962 c. 47.

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13 Interpretation. **S**

(1) In this Act—

^{F40}

...

“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 subsection (2) of this section but does not include any arrangements, services, functions or business to which this Act does not apply by virtue of subsection (7) of this section;

“employment business” has the meaning assigned by subsection (3) of this section but does not include any arrangements, services, functions or business to which this Act does not apply by virtue of subsection (7) of this section;

“fee” includes any charge however described;

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...

^{F41}

...

“local authority” in relation to England and Wales, means a county council, . . . ^{F42}, the Common Council of the City of London, a district council or a London borough council and, in relation to [^{F43}Scotland means a regional, islands or district council];

“organisation” includes an association of organisations;

“organisation 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 Act by the Secretary of State;

[^{F44}“prohibition order” has the meaning given by section 3A(2) of this Act;]

...

- (2) For the purposes of this Act “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 workers employment with employers or of supplying employers with workers for employment by them.
- (3) For the purposes of this Act “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 subsection (2) of this section 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 subsection;

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- (b) to the display by any person of advertisements on premises occupied by him otherwise than for the said purpose; . . . ^{F45}[^{F46}or
 - (c) to providing a programme service (within the meaning of the Broadcasting Act 1990).]
- (5) For the purposes of section 269 of the ^{M9}Local Government Act 1972, this Act shall be deemed to have been passed after 1st April 1974.
- (6) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.
- (7) This Act 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, Borstal institution, detention centre or young offenders’ institutionand 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;
 - (b) any agency for the supply of nurses as defined in section 8 of the ^{M10}Nurses Agencies Act 1957 or section 32 of the ^{M11}Nurses (Scotland) Act 1951;
 - (c) the business carried on by any county or district nursing association or other similar organisation, being an association or organisation established and existing wholly or mainly for the purpose of providing patients with the services of a nurse to visit them in their own homes without herself taking up residence there;
 - (d) services which are ancillary to the letting upon hire of any aircraft, vessel, vehicle, plant or equipment;
 - ^{F47}(e)
 - (f) the exercise by a local authority [^{F48}, a police authority established under section 3 of the ^{M12}Police Act 1964][^{F49}, [^{F50}the Inner London Education Authority]or a joint authority established by Part IV of the Local Government Act 1985] of any of their functions;
 - (g) services provided by any organisation of employers or organisation of workers for its members;
 - ^{F51}(ga) services provided in pursuance of arrangements made, or a direction given, under section 10 of the Employment and Training Act 1973;]
 - (h) services provided by an appointments board or service controlled by—
 - (i) one or more universities;
 - (ii) a central institution as defined in section 145 of the ^{M13}Education (Scotland) Act 1962 or a college of education as defined in the said section 145;
 - (i) any business carried on, or any services provided by, such persons or classes of persons as may be prescribed:

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Provided that paragraph (b) of this subsection shall not be taken as exempting from the provisions of this Act any other business carried on in conjunction with an agency for the supply of nurses.

- (8) Subsection (7)(c) of this section shall have effect in its application to Scotland as if at the end there were added the words “or mainly or substantially supported by voluntary subscriptions and providing patients with the services of a nurse whether or not the nurse takes up residence in the patient’s house”.

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

- F40** Definitions in s. 13(1) repealed (3.1.1995) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3188, **arts. 2, 3**
- F41** Definition repealed by **Employment Protection Act 1975 (c. 71), Sch. 18**
- F42** Words repealed by **Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17**
- F43** Words substituted by **Local Government (Scotland) Act 1973 (c. 65), Sch. 27 Pt. II para. 208(b)**
- F44** Definition in s. 13(1) inserted (3.1.1995) by 1994 c. 40, s. 35, **Sch. 10 Pt. I para. 1(5)**; S.I. 1994/3188, **arts. 2, 3**
- F45** Word repealed by **Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1)(2), Sch. 5 para. 27, Sch. 6**
- F46** Word “or” and s. 13(4)(c) substituted for s.13(4)(c)(d) by **Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), Sch. 20 para. 18**
- F47** S. 13(7)(e) repealed (3.1.1995) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3188, **arts. 2, 3**
- F48** Words in s. 13(7)(f) inserted (1.10.1994 for certain purposes only and 1.5.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 50**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, **art. 4(1), Sch. 6**
- F49** Words substituted by **Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 para. 50**
- F50** Words repealed by **Education Reform Act 1988 (c. 40, SIF 41:1), s. 231(7), 235(6), 237(2), Sch. 13 Pt. I**
- F51** S. 13(7)(ga) inserted (1.4.1994 in relation to England and Scotland and 1.4.1995 for all other purposes) by 1993 c. 19, s. 49(2), **Sch. 8 para. 4**; S.I. 1993/2503, **art. 2(3), Sch. 3**

Modifications etc. (not altering text)

- C7** S. 13(7)(f) extended by S.I. 1985/1884, **art. 10, Sch. 3 para. 4(j)**
- C8** S. 13(7)(f) amended by **Local Government Act 1985 (c. 51, SIF 81:1), 57(7), Sch. 13 para. 13(e)**
- C9** S. 13(7)(f) extended by S.I. 1987/2110, **art. 2, Sch. 1 para. 8(g)**
- C10** S. 13(7)(f) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2), **Sch. 13 para. 20(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

Marginal Citations

- M9** 1972 c. 70.
- M10** 1957 c. 16.
- M11** 1951 c. 55.
- M12** 1964 c. 48.
- M13** 1962 c. 47.

14 Short title, repeals, commencement and extent.

- (1) This Act may be cited as the Employment Agencies Act 1973.

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- ^{x1}(2) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The Secretary of State may, after consultation with such bodies as appear to him to be concerned, by order repeal any provision of any local Act, being a provision which is not specified in Part II of the said Schedule and which appears to him to be unnecessary having regard to the provisions of this Act, or to be inconsistent with the provisions of this Act, and may by that order make such amendments of that or any other local Act as appear to him to be necessary in consequence of the repeal and such transitional provision as appears to him to be necessary or expedient in connection with the matter.
- (4) This Act shall come into force on such date as the Secretary of State may by order appoint, and different dates may be appointed for different provisions and for different purposes.
- (5) This Act does not extend to Northern Ireland.

Editorial Information

- X1** The text of s. 14(2) and Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Subordinate Legislation Made

- P1** Power of appointment conferred by s. 14(4) exercised by [S.I. 1976/709](#)

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SCHEDULE

REPEALS

PART I

PUBLIC GENERAL ACTS

Chapter	Short Title	Extent of Repeal
7 Edw. 7.c. 53.	The Public Health Acts Amendment Act 1907.	Section 85.

PART II

LOCAL ACTS

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 5. c. 1.	The London County Council (General Powers) Act 1921.	In section 4, the definition of “employment agency” and “licensing authority”. Part III. Section 91.
14 & 15 Geo. 5. c. xciv.	The Manchester Corporation Act 1924.	Part V.
15 & 16 Geo. 5. c. cxv.	The Surrey County Council Act 1925.	Part IX.
16 & 17 Geo. 5. c. lxxxv.	The Guildford Corporation Act 1926.	Part XII.
17 & 18 Geo. 5. c. lxxxviii.	The Liverpool Corporation Act 1927.	Part XVI.
18 & 19 Geo. 5. c. lxxxvii.	The Sheffield Corporation Act 1928.	Part IX.
20 & 21 Geo. 5. c. cxix.	The Leeds Corporation Act 1930.	Part XI.
20 & 21 Geo. 5. c. clxxiv.	The Cardiff Corporation Act 1930.	Part II.
20 & 21 Geo. 5. c. clxxxvi.	The Bootle Corporation Act 1930.	Part XXIV.
21 & 22 Geo. 5. c. cix.	The Brighton Corporation Act 1931.	Part XI.
22 & 23 Geo. 5. c. lxix.	The Bury Corporation Act 1932.	Part V.
23 & 24 Geo. 5. c. xlv.	The Essex County Council Act 1933.	Part V.
25 & 26 Geo. 5. c. cxiii.	The Hertfordshire County Council Act 1935.	Part VIII.
25 & 26 Geo. 5. c. cxxii.	The Birmingham Corporation Act 1935.	Part IV.
25 & 26 Geo. 5. c. cxxiv.	The Newcastle-upon-Tyne Corporation (General Powers) Act 1935.	Part V.
1 Edw. 8 & 1 Geo. 6. c. xxxv.	The West Ham Corporation Act 1937.	Part XIV.
7 & 8 Geo. 6. c. xxi.	The Middlesex County Council Act 1944.	

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Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. xviii.	The Inverness Burgh Order Confirmation Act 1947.	Part II of the Schedule.
11 & 12 Geo. 6. c. xli.	The Ipswich Corporation Act 1948.	Part IX.
7 & 8 Eliz. 2. c. xxxiii.	The Reading and Berkshire Water &c. Act 1959.	Part VIII.
8 & 9 Eliz. 2. c. iii.	The Glasgow Corporation Consolidation (General Powers) Order Confirmation Act 1960.	Sections 53 to 56 of the Schedule.
8 & 9 Eliz. 2. c. xl.	The Crowdon Corporation Act 1960.	Part X.
1967 c. v.	The Edinburgh Corporation Order Confirmation Act 1967.	Sections 377 to 381 of the Schedule.
1971 c. xlv.	The Teeside Corporation (General Powers) (No. 2) Act 1971.	Sections 33 to 40.
1971 c. ix.	The Torbay Corporation (No. 2) Act 1971.	Sections 67 to 74.

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