



Employment Agencies Act 1973

1973 CHAPTER 35

Supplementary provisions

8 ^{F1}

Annotations:

Amendments (Textual)

F1 Ss. 2(4), 8 repealed by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 18](#)

[^{F2}8A Appointment of officers

- (1) The Secretary of State may—
- (a) appoint officers to act for the purposes of this Act, and
 - (b) instead of or in addition to appointing any officers under this section, arrange with any relevant authority for officers of that authority to act for those purposes.
- (2) The following are relevant authorities—
- (a) any Minister of the Crown or government department;
 - (b) any body performing functions on behalf of the Crown;
 - (c) the Gangmasters and Labour Abuse Authority.]

Annotations:

Amendments (Textual)

F2 S. 8A inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 2 para. 2](#); S.I. 2016/603, reg. 3(t)

Changes to legislation: Employment Agencies Act 1973, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 13 November 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

9 Inspection.

[^{F3}(A1) This section does not apply to an officer acting for the purposes of this Act in relation to England and Wales if the officer is a labour abuse prevention officer within the meaning of section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers).]

(1) Any officer [^{F4}acting for the purposes of this Act] may at all reasonable times on producing, if so required, written evidence of his authority—

[^{F5}(a) enter any relevant business premises;]

(b) inspect those premises and

[^{F6}(i) any records or other documents kept in pursuance of this Act or of any regulations made thereunder;

[^{F7}(ii) any financial records or other financial documents not falling within paragraph (i) which he may reasonably require to inspect 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 Secretary of State to exercise his functions under this Act;]and

(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 [^{F8}Secretary of State] to exercise [^{F8}his] functions under this Act[^{F9}; ^{F10} ...

(d)]

[^{F11}(1A) If an officer seeks to inspect or acquire, in accordance with subsection (1)(b) or (c), a record or other document or information which is not kept at the premises being inspected, [^{F12}the officer may by notice in writing require the person carrying on the employment agency or employment business to furnish him with the record or other document or information at such time and place as he may specify.]

[^{F13}(1AA) Where a person carrying on an employment agency or employment business fails to comply with subsection (1A) in relation to any record or other document or information and the officer has reasonable cause to believe that the record or other document or information is kept by—

(a) a person concerned with the carrying on of the employment agency or employment business, or

(b) a person formerly so concerned,

the officer may by notice in writing require that person to furnish him with the record or other document or information at such time and place as he may specify.

(1AB) Where a person carrying on an employment agency or employment business fails to comply with subsection (1A) in relation to any financial record or other financial document which is kept by a bank, the officer may by notice in writing require the bank to furnish the record or other document to him at such time and place as he may specify.

(1AC) In subsection (1AB), “ bank ” means a person who has permission under [^{F14}Part 4A] of the Financial Services and Markets Act 2000 to accept deposits.]

[^{F15}(1AD) An officer may take copies of any record or other document inspected by or furnished to him under this section.

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(1AE) An officer may, for the purposes of subsection (1AD), remove a record or other document from the premises where it is inspected by or furnished to him; but he must return it as soon as reasonably practicable.]

(1B) In subsection (1) “ relevant business premises ” means premises—

- (a) which are used, have been used or are to be used for or in connection with the carrying on of an employment agency or employment business,
- (b) which the officer has reasonable cause to believe are used or have been used for or in connection with the carrying on of an employment agency or employment business, or
- (c) which the officer has reasonable cause to believe are used for the carrying on of a business by a person who also carries on or has carried on an employment agency or employment business, if the officer also has reasonable cause to believe that records or other documents which relate to the employment agency or employment business are kept there.

(1C) For the purposes of [^{F16}this section]—

- (a) “ document ” includes information recorded in any form, and
- (b) information is kept at premises if it is accessible from them.]

[^{F17}(2) Nothing in this section shall require a person to produce, provide access to or make arrangements for the production of anything which he could not be compelled to produce in civil proceedings before the High Court or (in Scotland) the Court of Session.

(2A) Subject to subsection (2B), a statement made by a person in compliance with a requirement under this section may be used in evidence against him in criminal proceedings.

(2B) Except in proceedings for an offence under section 5 of the ^{M1} Perjury Act 1911 (false statements made otherwise than on oath), no evidence relating to the statement may be adduced, and no question relating to it may be asked, by or on behalf of the prosecution unless—

- (a) evidence relating to it is adduced, or
- (b) a question relating to it is asked,

by or on behalf of the person who made the statement.]

(3) Any person who obstructs an officer in the exercise of his powers under [^{F18}subsection (1)(a) or (b), (1AD) or (1AE)] shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F19}level 3 on the standard scale] and any person who, without reasonable excuse, fails to comply with a requirement under [^{F20}subsection (1)(c), (1A), (1AA) or (1AB)] shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F19}level 3 on the standard scale].

(4) (a)

[^{F21}No information to which this subsection applies 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) . . . ^{F22}

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- [^{F23}(ii)] to the Secretary of State, or an officer [^{F24}acting for the purposes of this Act,] for the purposes of the exercise of their respective functions under this Act; or
- [^{F25}(iii)] by the Secretary of State, or an officer [^{F26}acting for the purposes of this Act,] 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]
- [^{F23}(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 [^{F27}proceedings under section 3A, 3C or 3D of this Act]. [^{F28}or
- (v) to an officer acting for the purposes of the National Minimum Wage Act 1998 for any purpose relating to that Act][^{F29}; or
- (vi) to an authority in another EEA state pursuant to Part 9 of the Provision of Services Regulations 2009][^{F30}; or
- (vii) to an officer acting by virtue of section 26 of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders); or
- (viii) to an officer acting for the purposes of Part 2 of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 for any purpose relating to that Part; or
- (ix) to the Pensions Regulator for the purposes of the exercise of any function of the Regulator; or
- (x) to the Care Quality Commission for the purposes of the exercise of any function of the Commission.]
- (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 [^{F19}level 5 on the standard scale].

[^{F31}(5) Subsection (4) applies to—

- (a) information obtained in the course of exercising the powers conferred by this section,
- (b) information obtained pursuant to section 15(5A) of the National Minimum Wage Act 1998, and
- (c) information obtained in the course of exercising powers by virtue of section 26(1) of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders).]

Annotations:

Amendments (Textual)

- F3** S. 9(A1) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 2 para. 3\(2\)](#); S.I. 2016/603, reg. 3(t)
- F4** Words in s. 9(1) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 2 para. 3\(3\)](#); S.I. 2016/603, reg. 3(t)
- F5** S. 9(1)(a) substituted (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), s. 45(1), [Sch. 7 para. 4\(2\)\(a\)](#); S.I. 2003/3357, art. 3
- F6** Word in s. 9(1)(b) inserted (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), [ss. 16\(2\)\(a\)](#), 22(1)(e)
- F7** S. 9(1)(b)(ii) inserted (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), [ss. 16\(2\)\(b\)](#), 22(1)(e)
- F8** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(2\)](#)
- F9** S. 9(1)(d) and word inserted (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), s. 45(1), [Sch. 7 para. 4\(2\)\(b\)](#); S.I. 2003/3357, art. 3

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- F10** S. 9(1)(d) repealed (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), ss. 16(3), 22(1)(e), **Sch. Pt. 5**
- F11** S. 9(1A)-(1C) inserted (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), s. 45(1), **Sch. 7 para. 4(3)**; [S.I. 2003/3357](#), art. 3
- F12** Words in s. 9(1A) substituted (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), ss. 16(4), 22(1)(e)
- F13** S. 9(1AA)-(1AC) inserted (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), ss. 16(5), 22(1)(e)
- F14** Words in s. 9(1AC) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), **Sch. 18 para. 36** (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)
- F15** S. 9(1AD)(1AE) inserted (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), ss. 16(6), 22(1)(e)
- F16** Words in s. 9(1C) substituted (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), ss. 16(7), 22(1)(e)
- F17** S. 9(2)-(2B) substituted for s. 9(2) (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), s. 45(1), **Sch. 7 para. 4(4)**; [S.I. 2003/3357](#), art. 3
- F18** Words in s. 9(3) substituted (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), ss. 16(8)(a), 22(1)(e)
- F19** 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
- F20** Words in s. 9(3) substituted (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), ss. 16(8)(b), 22(1)(e)
- F21** Words in s. 9(4)(a) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 3 para. 4(2)(a)**; [S.I. 2016/603](#), reg. 3(u)
- F22** S. 9(4)(a)(ii)(iii) repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F23** Sub-para. renumbered by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 13 para. 6(3)**
- F24** Words in s. 9(4)(a)(ii) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 2 para. 3(4)**; [S.I. 2016/603](#), reg. 3(t)
- F25** S. 9(4)(a)(iii) inserted by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 13 para. 6(3)**
- F26** Words in s. 9(4)(a)(iii) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 2 para. 3(4)**; [S.I. 2016/603](#), reg. 3(t)
- F27** 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
- F28** S. 9(4)(v) and word inserted (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), ss. 18(2)(b), 22(1)(f); [S.I. 2009/603](#), art. 2 (with art. 3Sch.)
- F29** S. 9(4)(a)(vi) and word inserted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), regs. 1(2), 46 (with regs. 2, 5)
- F30** S. 9(4)(a)(vii)-(x) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 3 para. 4(2)(b)**; [S.I. 2016/603](#), reg. 3(u)
- F31** S. 9(5) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 3 para. 4(3)**; [S.I. 2016/603](#), reg. 3(u)

Modifications etc. (not altering text)

- C1** S. 9(4): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. 1 para. 8**

Marginal Citations

- M1** 1911 c. 6

10 Fraudulent applications and entries.

^{F32}(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 [^{F33}level 5 on the standard scale].

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Annotations:

Amendments (Textual)

- F32** S. 10(1) repealed (3.1.1995) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3188, **arts. 2, 3**
- F33** 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.

[^{F34}(1)] 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.

[^{F35}(2) Where an offence under this Act committed by a partnership in Scotland is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a partner or a person purporting to act as a partner, he, as well as the partnership, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.]

Annotations:

Amendments (Textual)

- F34** S. 11(1): s. 11 renumbered as s. 11(1) (6.4.2009) by **Employment Act 2008** (c. 24), **ss. 17(a), 22(1)(e)**
- F35** S. 11(2) inserted (6.4.2009) by **Employment Act 2008** (c. 24), **ss. 17(b), 22(1)(e)**

[^{F36}**11A Offences: extension of time limit.**

- (1) For the purposes of subsection (2) of this section a relevant offence is an offence under section ^{F37} ... 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 of an offence under section ^{F38} ... 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.

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- (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.]

Annotations:

Amendments (Textual)

- F36** 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
F37 Words in s. 11A(1) repealed (6.4.2009) by Employment Act 2008 (c. 24), s. 22(1)(e), Sch. Pt. 5
F38 Words in s. 11A(3) repealed (6.4.2009) by Employment Act 2008 (c. 24), s. 22(1)(e), Sch. Pt. 5

Marginal Citations

- M2** 1980 c. 43.
M3 1995 c. 46.

^{F39}**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.

Annotations:

Amendments (Textual)

- F39** 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.
- [^{F40}(5) Regulations under section 5(1) or 6(1) of this Act shall not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (6) Regulations under section 13(7)(i) of this Act or an order under section 14(3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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Annotations:

Amendments (Textual)

F40 S. 12(5)(6) substituted (25.10.1999) for s. 12(5) by 1999 c. 26, ss. 31, 45(1), Sch. 7 paras. 1, 6; S.I. 1999/2830, art. 2, Sch. 1 Pt. I

13 Interpretation. **E+W**

(1) In this Act—

^{F41}

“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;

...

^{F42}

“local authority” in relation to England ^{F43} . . . , means a county council, . . . ^{F44}, the Common Council of the City of London, a district council or a London borough council [^{F45}and in relation to Wales, means a county council or a county borough council] and, in relation to [^{F46}Scotland means a [^{F47}council constituted under the Local Government etc. (Scotland) Act 1994];

“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;

[^{F48} “ 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

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otherwise) for the purpose of finding [^{F49}persons] employment with employers or of supplying employers with [^{F49}persons] 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;
 - (b) to the display by any person of advertisements on premises occupied by him otherwise than for the said purpose; ^{F50} . . . [^{F51}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 [^{F52}custodial sentence passed by a criminal court in the United Kingdom, the Channel Islands or the Isle of Man;]
 - ^{F53} . . .
 - (b)
 - (c)
 - [^{F54}(ca) an early years childminder agency or a later years childminder agency (as defined in section 98 of the Childcare Act 2006);]
 - (d) services which are ancillary to the letting upon hire of any aircraft, vessel, vehicle, plant or equipment;
 - ^{F55}(e)
 - (f) the exercise by a local authority ^{F56} . . . ^{F57} . . . [^{F58}, ^{F59} . . . or a joint authority established by Part IV of the Local Government Act 1985]of any of their functions;
 - [^{F60}(fza) ^{F61}]
 - [^{F62}(fzb) the exercise by an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 of any of its functions;
 - (fzc) the exercise by a combined authority established under section 103 of that Act of any of its functions;
 - [^{F63}(fa) the exercise by a police and crime commissioner of any of the commissioner’s functions;

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- (fb) the exercise by the Mayor's Office for Policing and Crime of any of that Office's functions;
- (fc) the exercise by a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011 of any of the chief constable's functions;
- (fd) the exercise by the Commissioner of Police of the Metropolis of any of the Commissioner's functions;]
- [^{F64}(ff) the exercise by the Broads Authority of any of its functions;]
- [^{F65}(fg) the exercise by a National Park authority of any of its functions;]
- [^{F66}(fh) the exercise by the London Fire Commissioner of any of the Commissioner's functions;]]
- [^{F68}(fi) the exercise by a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 of any of its functions;]
- (g) services provided by any organisation of employers or organisation of workers for its members;
- [^{F69}(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 ^{M5} Education (Scotland) Act 1962 or a college of education as defined in the said section 145;
- [^{F70}(i) 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.]

[^{F71}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”.]

Annotations:

Extent Information

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

Amendments (Textual)

- F41** Definitions in s. 13(1) repealed (3.1.1995) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3188, **arts. 2, 3**
- F42** Definition repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**
- F43** Words in s. 13(1) repealed (1.4.1996) by 1994 c. 19, ss. 66(6)(8), **Sch. 16 para. 41**, **Sch. 18** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**
- F44** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F45** Words in s. 13(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 41** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**
- F46** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 208(b)**

Changes to legislation: Employment Agencies Act 1973, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 13 November 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F47** Words in s. 13(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 90**; S.I. 1996/323, **art. 4(1)(c)**
- F48** 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**
- F49** Word in s. 13(2) substituted (6.4.2004) by Employment Relations Act 1999 (c. 26), s. 45(1), **Sch. 7 para. 7**; S.I. 2003/3357, **art. 4**
- F50** Word repealed by Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1)(2), **Sch. 5 para. 27, Sch. 6**
- F51** 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**
- F52** Words substituted (E.W.) by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(6), **Sch. 8 Pt. I paras. 7, 16**
- F53** S. 13(7)(b)(c) and proviso repealed (1.4.2003 for E. and 2.10.2003 for W.) by Care Standards Act 2000 (c. 14), ss. 111(2), 117(2), 122, **Sch. 6**; S.I. 2001/3852, **art. 3(8)(b)(c)** (subject to transitional provisions in **Sch. 1**) (which commencing S.I. is amended by: S.I. 2002/1790, **art. 2**; S.I. 2002/2001, **arts. 2, 3**; S.I. 2002/3210, **art. 2**); S.I. 2003/2528, **art. 2(b)(c)**
- F54** S. 13(7)(ca) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 64**; S.I. 2014/889, **art. 3(m)**
- F55** S. 13(7)(e) repealed (3.1.1995) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3188, **arts. 2, 3**
- F56** Words in s. 13(7)(f) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 118(a)**; S.I. 2011/3019, **art. 3**, **Sch. 1** (with **Sch. 2 para. 38**)
- F57** Words in s. 13(7)(f) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8)(8), **Sch. 4 para. 19, 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, **Sch. paras. 10, 13(i)**
- F58** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 50**
- F59** Words in s. 13(7)(f) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), s. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F60** S. 13(7)(fza) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 13 para. 30**; S.I. 2008/917, **art. 2(1)(p)**
- F61** S. 13(7)(fza) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(8)**; S.I. 2015/994, **art. 6(g)**
- F62** S. 13(7)(fzb)(fzc) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 40**; S.I. 2009/3318, **art. 2(c)**
- F63** S. 13(7)(fa)-(fd) substituted for s. 13(7)(fa) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 118(b)**; S.I. 2011/3019, **art. 3**, **Sch. 1** (with **Sch. 2 para. 38**)
- F64** 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**
- F65** S. 13(7)(fg) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 11** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1995/2950, **art. 2(1)**
- F66** S. 13(7)(fh) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 22** (with **Sch. 12 para. 9(1)**); S.I. 2000/1094, **art. 4(h)**
- F67** S. 13(7)(fh) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 48**
- F68** S. 13(7)(fi) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 33**; S.I. 2017/399, **reg. 2, Sch. para. 38**
- F69** 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**
- F70** S. 13(7)(i) substituted (25.10.1999) by 1999 c. 26, s. 31, **Sch. 7 paras. 1, 8**; S.I. 1999/2850, **art. 2(1)**, **Sch. 1 Pt. I**
- F71** S. 13(7)(b)(c) and proviso repealed (1.4.2003 for E.) by 2000 c. 14, ss. 111(2), 117(2), 122, **Sch. 6**; S.I. 2001/3852, **art. 3(8)(b)(c)** (subject to transitional provisions in **Sch. 1**) (which commencing S.I. is amended by: S.I. 2002/1790, **art. 2**; S.I. 2002/2001, **arts. 2, 3**; S.I. 2002/3210, **art. 2**)

Changes to legislation: Employment Agencies Act 1973, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 13 November 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C2** S. 13(7)(f) extended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(j)**
C3 S. 13(7)(f) amended by **Local Government Act 1985** (c. 51, SIF 81:1), 57(7), Sch. 13 para. 13(e)
C4 S. 13(7)(f) extended by S.I. 1987/2110, art. 2, **Sch. 1 para. 8(g)**
C5 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

- M4** 1972 c. 70.
M5 1962 c. 47.

13 Interpretation. **S**

(1) In this Act—

^{F73}
 . . .

“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;

. . .

^{F74}
 . . .

“local authority” in relation to England ^{F75}. . . , means a county council, . . . ^{F76}, the Common Council of the City of London, a district council or a London borough council [^{F77}and in relation to Wales, means a county council or a county borough council] and, in relation to [^{F78}Scotland means a [^{F79}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]];

“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;

[^{F80}“prohibition order” has the meaning given by section 3A(2) of this Act;]

. . .

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- (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 [^{F49}persons] employment with employers or of supplying employers with [^{F49}persons] 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;
 - (b) to the display by any person of advertisements on premises occupied by him otherwise than for the said purpose,^{F81} . . . [^{F82}or
 - (c) to providing a programme service (within the meaning of the Broadcasting Act 1990).]
- (5) For the purposes of section 269 of the ^{M6}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’ institution
 - ^{F53} . . .
 - (b)
 - (c)
 - ^{F54}(ca) an early years childminder agency or a later years childminder agency (as defined in section 98 of the Childcare Act 2006);]
 - (d) services which are ancillary to the letting upon hire of any aircraft, vessel, vehicle, plant or equipment;
 - ^{F83}(e)
 - (f) the exercise by a local authority ^{F56} . . . ^{F57} . . . [^{F84}, ^{F85} . . . or a joint authority established by Part IV of the Local Government Act 1985] of any of their functions;
 - ^{F61} [^{F60}(fza)]
 - ^{F62}(fzb) the exercise by an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009 of any of its functions;
 - (fzc) the exercise by a combined authority established under section 103 of that Act of any of its functions;]

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- [^{F63}(fa) the exercise by a police and crime commissioner of any of the commissioner's functions;
- (fb) the exercise by the Mayor's Office for Policing and Crime of any of that Office's functions;
- (fc) the exercise by a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011 of any of the chief constable's functions;
- (fd) the exercise by the Commissioner of Police of the Metropolis of any of the Commissioner's functions;]
- [^{F86}(fh)
- [^{F67}(fh) the exercise by the London Fire Commissioner of any of the Commissioner's functions;]]
- [^{F68}(fi) the exercise by a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 of any of its functions;]
- (g) services provided by any organisation of employers or organisation of workers for its members;
- [^{F87}(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 ^{M7}Education (Scotland) Act 1962 or a college of education as defined in the said section 145;
- [^{F88}(i) 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.]

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”.

Annotations:

Extent Information

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

Amendments (Textual)

- F49** Word in s. 13(2) substituted (6.4.2004) by [Employment Relations Act 1999 \(c. 26\), s. 45\(1\), Sch. 7 para. 7](#); [S.I. 2003/3357, art. 4](#)
- F53** S. 13(7)(b)(c) and proviso repealed (1.4.2003 for E. and 2.10.2003 for W.) by [Care Standards Act 2000 \(c. 14\), ss. 111\(2\), 117\(2\), 122, Sch. 6](#); [S.I. 2001/3852, art. 3\(8\)\(b\)\(c\)](#) (subject to transitional provisions in [Sch. 1](#)) (which commencing S.I. is amended by: [S.I. 2002/1790, art. 2](#); [S.I. 2002/2001, arts. 2, 3](#); [S.I. 2002/3210, art. 2](#); [S.I. 2003/2528, art. 2\(b\)\(c\)](#))
- F54** S. 13(7)(ca) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 4 para. 64](#); [S.I. 2014/889, art. 3\(m\)](#)

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- F56** Words in s. 13(7)(f) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13) , s. 157(1) , **Sch. 16 para. 118(a)** ; S.I. 2011/3019 , art. 3 , Sch. 1 (with Sch. 2 para. 38)
- F57** Words in s. 13(7)(f) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8)(8), Sch. 4 para. 19, **17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(i)
- F60** S. 13(7)(fza) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), s. 245(5), **Sch. 13 para. 30**; S.I. 2008/917, art. 2(1)(p)
- F61** S. 13(7)(fza) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(8)**; S.I. 2015/994, art. 6(g)
- F62** S. 13(7)(fzb)(fzc) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 40**; S.I. 2009/3318, art. 2(c)
- F63** S. 13(7)(fa)-(fd) substituted for s. 13(7)(fa) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13) , s. 157(1) , **Sch. 16 para. 118(b)** ; S.I. 2011/3019 , art. 3 , Sch. 1 (with Sch. 2 para. 38)
- F67** S. 13(7)(fh) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 48**
- F68** S. 13(7)(fi) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 33**; S.I. 2017/399, reg. 2, Sch. para. 38
- F73** Definitions in s. 13(1) repealed (3.1.1995) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3188, **arts. 2, 3**
- F74** Definition repealed by Employment Protection Act 1975 (c. 71), **Sch. 18**
- F75** Words in s. 13(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 41, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F76** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17
- F77** Words in s. 13(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 41** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F78** Words substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 27 Pt. II para. 208(b)**
- F79** Words in s. 13(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 90**; S.I. 1996/323, **art. 4(1)(c)**
- F80** 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**
- F81** Word repealed by Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1)(2), Sch. 5 para. 27, **Sch. 6**
- F82** 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**
- F83** S. 13(7)(e) repealed (3.1.1995) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3188, **arts. 2, 3**
- F84** Words in s. 13(7)(f) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 50**
- F85** Words in s. 13(7)(f) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), s. 231(7), 235(6), 237(2), Sch. 13 Pt. I
- F86** It is provided that s. 13(7)(fh) is inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 22** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(h)**
- F87** 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**
- F88** S. 13(7)(i) substituted (25.10.1999) by 1999 c. 26, s. 31, Sch. 7 paras. 1, **8**; S.I. 1999/2850, art. 2(1), **Sch. 1 Pt. I**

Modifications etc. (not altering text)

- C6** S. 13(7)(f) extended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(j)**
- C7** S. 13(7)(f) amended by Local Government Act 1985 (c. 51, SIF 81:1), 57(7), Sch. 13 para. 13(e)
- C8** S. 13(7)(f) extended by S.I. 1987/2110, art. 2, **Sch. 1 para. 8(g)**

Marginal Citations

- M6** 1972 c. 70.
- M7** 1962 c. 47.

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[^{F72}14 **Short title, repeals, commencement and extent.**

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

^{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.]

Annotations:

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](#)

Amendments (Textual)

F72 S. 13(7)(fa) inserted (3.7.2000) by [1999 c. 29, s. 325](#), [Sch. 27 para. 37](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1648, art. 2](#), [Sch.](#)

Changes to legislation:

Employment Agencies Act 1973, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 13 November 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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. 9(4)(a)(iv) words repealed by 1999 c. 26 Sch. 7 para. 4(6) Sch. 9(8)