

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Employment Protection Act 1975, SCHEDULE 13 is up to date with all changes known to be in force on or before 24 May 2023. 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)*

## SCHEDULES

### SCHEDULE 13

Section 114.

#### AMENDMENTS OF THE <sup>M1</sup>EMPLOYMENT AGENCIES ACT 1973

##### Marginal Citations

**M1** 1973 c.35

- 1 In sections 1 and 2, for the words “licensing authority”, wherever they occur, substitute the words “Secretary of State”.

##### Modifications etc. (not altering text)

**C1** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 2 In section 1(2)(b) for the words from “time for appealing” to end, substitute the words “refusal is notified to him in accordance with section 3(10) of this Act”.

##### Modifications etc. (not altering text)

**C2** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 3 (1) After section 2(3) insert the following subsection—  
“(3A) A licence may be revoked by the Secretary of State on any of the grounds specified in subsection (3) of this section”.
- (2) Section 2(4) is hereby repealed.
- (3) In section 2(5) omit the words “time for appealing” to the end, substitute the words “refusal is notified to him in accordance with section 3(10) of this Act”.

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**Modifications etc. (not altering text)**

**C3** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt. IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 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.

4 For sections 3 and 4, substitute the following section—

**“3 Right to make representations.**

- (1) Where the Secretary of State proposes to refuse or to revoke a licence he shall notify the applicant for or the holder of the licence of—
  - (a) the proposal and the reasons for it; and
  - (b) his right under this section to make written representations relating to that proposal and the time within which that right may be exercised.
- (2) A person who receives a notification of a proposal such as is mentioned in subsection (1) of this section may make written representations about it to the Secretary of State.
- (3) Written representations in relation to a proposal to refuse or revoke a licence must be received by the Secretary of State within 21 days of the receipt of the notification of that proposal.
- (4) If the Secretary of State receives such representations within the time specified in subsection (3) of this section, he shall consider them and—
  - (a) if he decides not to proceed with the proposal, and accordingly decides to grant or not to revoke the licence, shall notify the applicant or holder of his decision;
  - (b) in any other case, shall appoint a person to consider the representations on his behalf, and shall notify the applicant or holder of that appointment and of the name of the appointed person, and shall require the applicant or holder to state within 14 days whether he wishes to make oral representations to the appointed person.
- (5) If a person who receives such a notification as is mentioned in subsection (4) (b) of this section expresses, within the time mentioned in that paragraph, a wish to make oral representations to the appointed person the Secretary of State shall give the former written notice of the place, date and time of the hearing.
- (6) A notice under subsection (5) of this section shall not specify a date for the hearing earlier than 21 days from the date of the notice, unless the person who wishes to make the representations has agreed to an earlier hearing.
- (7) The appointed person shall, in accordance with the notice given under subsection (5) of this section, afford to the person who wishes to make oral

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representations an opportunity to do so, either in person or by any person authorised by him in that behalf.

- (8) The appointed person shall consider the written representations referred to in subsection (4) of this section and any oral representations made under subsection (7) of this section, and shall make a report to the Secretary of State giving his findings of fact and his recommendations.
- (9) Where representations relating to a proposal have been made under this section, the Secretary of state may make a final decision relating to that proposal only after receiving and considering the report on it of the appointed person.
- (10) The Secretary of State shall notify the applicant, or holder, of his decision and the reasons for it and shall send him a copy of the appointed person's report".

**Modifications etc. (not altering text)**

**C4** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 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.

5 Section 8 is hereby repealed.

**Modifications etc. (not altering text)**

**C5** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1) (2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1) (2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 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.

- 6 (1) In section 9(1) for the words “of a licensing authority by them in that behalf” substitute the words “duly authorised in that behalf by the Secretary of State”.
- (2) In section 9(1)(c) for the words “licensing authority” and “their” substitute respectively the words “Secretary of State” and “his”.
- (3) In section 9(4)(a) sub-paragraph (ii) and (iii) are hereby repealed, sub-paragraphs (iv) and (v) shall be renumbered as, respectively, sub-paragraphs (ii) and (iv), and after the renumbered sub-paragraph (ii) there shall be inserted the following sub-paragraph—
  - “(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

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information relating to a person availing himself of the services of such an agency or business, to that person; or”,

and in sub-paragraph (iv) (as renumbered) for the words from “on an appeal” to the end, substitute the words “under section 3(7) of this Act”.

**Modifications etc. (not altering text)**

**C6** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 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.

7 In section 13(1), the definition of “licensing authority” is hereby repealed.

**Modifications etc. (not altering text)**

**C7** The text of ss. 97(1)–(4), 111(1), 114–116, 125(3), Sch. 9 Pt. I, Pt. II paras. 2(1)–4(3), 6, Sch. 10 Pt.I, Pt.II paras. 2(1)–4(3), 6, Sch. 13 paras. 1, 2, 3(1)–(3), 4–7, Sch. 14 paras. 3, 6, Sch. 15 paras. 1–14, 15(1)(2), 16(1)–(4), 17, 18(1)(2), 19–21, Sch. 16 Pt. III paras. 1–3, 5–7, 31–33, Pt.IV paras. 2(1)–(4), 3(1)(2)(4), 4(1)–(5), 6, 7(a)(b), 9(1)–(4), 10(1)–(3), 12(1)–(3), 13(1), 17, 18(1)–(3), Sch. 18 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.

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