



Gangmasters (Licensing) Act 2004

2004 CHAPTER 11

Licensing

6 Prohibition of unlicensed activities

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

Commencement Information

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

7 Grant of licence

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

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

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

Commencement Information

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

8 General power of Authority to make rules

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

(2) The rules may, in particular—

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

^{F2}(3)

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

Textual Amendments

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

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

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

9 Modification, revocation or transfer of licence

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

Commencement Information

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

10 Appeals

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

Commencement Information

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

11 Register of licences

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

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

Commencement Information

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

Changes to legislation:

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

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

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