



Gangmasters (Licensing) Act 2004

2004 CHAPTER 11

Miscellaneous and general

[F¹22A Relationship with other agencies: requests for assistance

- (1) The Authority may request any of the following to provide assistance to the Authority or any of its officers—
 - (a) a chief officer of police for a police area in England and Wales;
 - (b) the Director General of the National Crime Agency;
 - (c) a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
 - (d) any other person prescribed or of a prescribed description.
- (2) The Authority may make a request under subsection (1) only if it considers that the assistance would facilitate the exercise of any function by the Authority or any of its officers.
- (3) Any of the following persons may request the Authority to provide assistance to the person—
 - (a) a chief officer of police for a police area in England and Wales;
 - (b) a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
 - (c) any other person prescribed or of a prescribed description.
- (4) A person may make a request under subsection (3) only if the person considers that the assistance would facilitate the exercise by the person of any function.
- (5) A request under this section must—
 - (a) set out what assistance is being requested, and
 - (b) explain how the assistance would facilitate the exercise of the function.
- (6) A person who receives a request under this section must respond to it in writing within a reasonable period.
- (7) Regulations under this section must not make provision which would be—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Gangmasters (Licensing) Act 2004, Cross Heading: Miscellaneous and general is up to date with all changes known to be in force on or before 30 June 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) View outstanding changes

- (a) within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament,
- (b) within the legislative competence of the National Assembly for Wales if contained in an Act of that Assembly, or
- (c) within the legislative competence of the Northern Ireland Assembly if contained in an Act of that Assembly made without the consent of the Secretary of State.]

Textual Amendments

F1 S. 22A inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), ss. **13(2)**, 94(1); S.I. 2016/603, reg. 3(b)

23 Annual report

The Secretary of State shall each year lay a report before each House of Parliament on the operation of this Act.

Commencement Information

I1 S. 23 in force at 1.4.2005 by [S.I. 2005/447](#), art. **2(l)**

24 Financial provision

- (1) The Secretary of State may make payments to the Authority of such amounts, at such times and on such conditions (if any) as he considers appropriate.
- (2) The Authority shall (unless the Secretary of State directs otherwise) pay to the Secretary of State all sums received by it in the course of, or in connection with, the carrying out of its functions.
- (3) Any sums received by the Secretary of State under subsection (2) shall be paid into the Consolidated Fund.

Commencement Information

I2 S. 24 in force at 1.4.2005 by [S.I. 2005/447](#), art. **2(m)**

25 Regulations, rules and orders

- (1) In this Act, unless otherwise indicated, “prescribed” means prescribed by regulations made by the Secretary of State.
- (2) Any power to make regulations or rules under this Act includes power to make different provision for different cases.
- (3) Any power of the Secretary of State to make regulations or orders under this Act is exercisable by statutory instrument.
- (4) Any power of the Authority to make rules under this Act is exercisable by statutory instrument.

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- (5) A statutory instrument containing regulations made by the Secretary of State under—
- (a) section 1(5) (regulations as to status, constitution, etc. of the Authority),^{F2}...
 - (b) section 3(5)(b) (regulations extending work to which this Act applies)^{F3}, or
 - (c) section 22A(1)(d) or (3)(c) (regulations regarding persons whom the Authority may request to provide assistance and who may request assistance from Authority).]

must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

- (6) A statutory instrument containing—
- (a) regulations made by the Secretary of State under any other provision of this Act, or
 - (b) rules made by the Authority under section 8 (general power of Authority to make rules),
- is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F2** Word in s. 25(5)(a) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), [ss. 13\(3\)\(a\)](#), [94\(1\)](#); [S.I. 2016/603](#), [reg. 3\(b\)](#)
- F3** S. 25(5)(c) and preceding word inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), [ss. 13\(3\)\(b\)](#), [94\(1\)](#); [S.I. 2016/603](#), [reg. 3\(b\)](#)

Commencement Information

- I3** S. 25 in force at 1.12.2004 by [S.I. 2004/2857](#), [art. 2\(h\)](#)

26 Meaning of “worker”

- (1) In this Act “worker” means an individual who does work to which this Act applies.
- (2) A person is not prevented from being a worker for the purposes of this Act by reason of the fact that he has no right to be, or to work, in the United Kingdom.

Commencement Information

- I4** S. 26 in force at 1.12.2004 by [S.I. 2004/2857](#), [art. 2\(i\)](#)

27 Exclusion of provisions relating to employment agencies and businesses

- (1) The Employment Agencies Act 1973 (c. 35) does not apply to an employment agency or an employment business in so far as it consists of activities for which a licence is required under this Act.
- (2) In subsection (1) “employment agency” and “employment business” have the same meaning as in that Act.

Commencement Information

- I5** S. 27 in force at 1.10.2006 for specified purposes by [S.I. 2006/2406](#), [art. 2\(f\)](#)

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16 S. 27 in force at 6.4.2007 for specified purposes by [S.I. 2007/695](#), [art. 2\(d\)](#)

28 Application of Act to Northern Ireland

The provisions of Schedule 2 to this Act have effect with respect to the application of this Act to Northern Ireland.

Commencement Information

- 17** S. 28 in force at 1.12.2004 for specified purposes by [S.I. 2004/2857](#), [art. 2\(j\)](#)
18 S. 28 in force at 1.4.2005 for specified purposes by [S.I. 2005/447](#), [art. 2\(n\)](#)
19 S. 28 in force at 1.10.2006 for specified purposes by [S.I. 2006/2406](#), [art. 2\(g\)](#)

PROSPECTIVE

29 Commencement and transitional provision

- (1) The provisions of this Act come into force on such day as the Secretary of State may by order appoint.
- (2) Different days may be appointed for different purposes and for different areas.
- (3) The Secretary of State may by order make such transitional provision as he considers appropriate in connection with the coming into force of any provision of this Act.

30 Short title and extent

- (1) This Act may be cited as the Gangmasters (Licensing) Act 2004.
- (2) This Act extends to England and Wales, Scotland and Northern Ireland.

Commencement Information

- I10** S. 30 in force at 1.12.2004 by [S.I. 2004/2857](#), [art. 2\(k\)](#)

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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](#)