



# Gangmasters (Licensing) Act 2004

## 2004 CHAPTER 11

### *Offences*

#### **12 Offences: acting as a gangmaster, being in possession of false documents etc**

- (1) A person commits an offence if he acts as a gangmaster in contravention of section 6 (prohibition of unlicensed activities).

For this purpose a person acting as a gangmaster does not contravene section 6 by reason only of the fact that he breaches a condition of the licence which authorises him to so act.

- (2) A person commits an offence if he has in his possession or under his control—
- (a) a relevant document that is false and that he knows or believes to be false,
  - (b) a relevant document that was improperly obtained and that he knows or believes to have been improperly obtained, or
  - (c) a relevant document that relates to someone else,

with the intention of inducing another person to believe that he or another person acting as a gangmaster in contravention of section 6 is acting under the authority of a licence.

- (3) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction—
- (a) in England and Wales, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding the statutory maximum, or to both;
  - (b) in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum, or to both.

In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), for “twelve months” in paragraph (a) substitute “six months”.

- (4) A person guilty of an offence under subsection (1) or (2) is liable on conviction on indictment to imprisonment for a term not exceeding ten years, or to a fine, or to both.
- (5) For the purposes of this section—

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*Status: This is the original version (as it was originally enacted).*

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- (a) except in Scotland, a document is false only if it is false within the meaning of Part 1 of the Forgery and Counterfeiting Act 1981 (c. 45) (see section 9(1) of that Act), and
- (b) a document was improperly obtained if false information was provided, in or in connection with the application for its issue or an application for its modification, to the person who issued it or (as the case may be) to a person entitled to modify it,

and references to the making of a false document include references to the modification of a document so that it becomes false.

(6) In this section “relevant document” means—

- (a) a licence, or
- (b) any document issued by the Authority in connection with a licence.