



Gangmasters (Licensing) Act 2004

2004 CHAPTER 11

Enforcement

16 Powers of officers

[^{F1}(A1) This section does not apply to an enforcement officer who is 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) An enforcement officer or a compliance officer acting for the purposes of this Act shall have power for the performance of his duties—
 - (a) to require the production by a relevant person of any records required to be kept by virtue of this Act, to inspect and examine those records, to remove those records from the premises where they are kept and to copy any material part of them,
 - (b) to require a relevant person to furnish to him (either alone or in the presence of any other person, as the officer thinks fit) an explanation of any such records,
 - (c) to require a relevant person to furnish to him (either alone or in the presence of any other person, as the officer thinks fit) any additional information known to the relevant person which might reasonably be needed in order to establish whether—
 - (i) any provision of this Act, or
 - (ii) any condition of any licence granted under it,is being complied with,
 - (d) at all reasonable times to enter any relevant premises in order to exercise any power conferred on the officer by virtue of paragraphs (a) to (c).
- (2) The powers conferred by subsection (1) include power, on reasonable written notice, to require a relevant person—
 - (a) to produce any such records as are mentioned in paragraph (a) of that subsection to an officer at such time and place as may be specified in the notice, or

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- (b) to attend before an officer at such time and place as may be specified in the notice to furnish any such explanation or additional information as is mentioned in paragraph (b) or (c) of that subsection.
- (3) The power conferred by subsection (1)(a) includes, in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.
- (4) A person authorised by virtue of subsection (1)(a) to inspect any records is entitled to have access to, and to check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question.
- (5) In this section “relevant person” means any person whom an officer acting for the purposes of this Act has reasonable cause to believe to be—
 - (a) a person acting as a gangmaster,
 - (b) a person supplied with workers or services by a person acting as a gangmaster,
 - (c) any employee or agent of a person falling within paragraph (a) or (b).
- (6) In this section and section 17—
 - “relevant premises” means any premises which an officer acting for the purposes of this Act has reasonable cause to believe to be—
 - (a) premises at which a person mentioned in subsection (5)(a) or (b) carries on business, and
 - (b) premises which such a person uses in connection with his business,
 “premises” includes any place and, in particular, includes—
 - (a) any vehicle, vessel, aircraft or hovercraft, and
 - (b) any tent or movable structure.

Textual Amendments

- F1** S. 16(A1) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 21](#); S.I. 2016/603, reg. 3(u)
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Commencement Information

- I1** S. 16 in force at 1.4.2005 by [S.I. 2005/447](#), [art. 2\(e\)](#)

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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](#)