

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 92: Gangmasters (Licensing) Act 2004: enforcement

425. Section 15 of the Gangmasters (Licensing) Act 2004 confers power on the Secretary of State to appoint enforcement officers to enforce those provisions of the Act which prohibit an unlicensed person from acting as a gangmaster and create related offences. Alternatively or in addition, the Secretary of State may enter into arrangements with the Gangmasters Licensing Authority, or certain other specified bodies, for officers of the Authority to act as enforcement officers.
426. In England and Wales, it is considered that the terms of section 15 may have the effect that, where the Secretary of State appoints enforcement officers or makes arrangements for their appointment, decisions about whether to prosecute must be made by enforcement officers. One consequence of this is considered to be that functions of instituting proceedings cannot be assigned by the Attorney General under section 3(2) (g) of the Prosecution of Offences Act 1985 to the Director of Public Prosecutions. This has caused inconvenience, particularly for the Gangmasters Licensing Authority, whose officers do not normally discharge a prosecutorial role, in contrast to the Crown Prosecution Service. The amendment is therefore intended to clarify that the institution of prosecutions for offences under the Act may be carried out otherwise than by enforcement officers.
427. The amendment made by this section (like section 15) forms part of the law of England and Wales, Scotland and Northern Ireland. However, it applies only to proceedings in England and Wales. The amendment comes into force on a day to be appointed by the Secretary of State in a commencement order.