



2010 CHAPTER 12

Employment agencies

Employment agencies: mode of trial and penalties for certain offences

1.—(1) In the [Employment \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1981 \(NI 20\)](#), in each of Articles 5B, 6(3) and 7(2), for the words from “on summary conviction” to the end substitute “—

- (a) on conviction on indictment, to a fine;
- (b) on summary conviction, to a fine not exceeding the statutory maximum.”.

(2) Subsection (1) does not apply in relation to an offence committed before the commencement of that subsection.

Employment agencies: powers of enforcement

2.—(1) In the [Employment \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1981 \(NI 20\)](#), Article 7B (powers of officers) is amended as follows.

(2) In paragraph (1) for sub-paragraph (b) substitute—

“(b) inspect—

- (i) any records required to be kept under this Part; and
- (ii) any financial records not falling within head (i) which he may reasonably require to inspect for the purpose of ascertaining whether the provisions of this Part and of any regulations made under this Part are being complied with or of enabling the Department to exercise its functions under this Part.”.

(3) In paragraph (2) for the words from “he may require” to the end substitute “the officer may by notice in writing require the person carrying on

the employment agency or employment business to furnish him with the record or information at such time and place as he may specify.”.

(4) After paragraph (2) insert—

“(2A) Where a person carrying on an employment agency or employment business fails to comply with paragraph (2) in relation to any record or information and the officer has reasonable cause to believe that the record or information is kept by—

- (a) a person concerned with the carrying on of the employment agency or employment business, or
- (b) a person formerly so concerned,

the officer may by notice in writing require that person to furnish him with the record or information at such time and place as he may specify.

(2B) Where a person carrying on an employment agency or employment business fails to comply with paragraph (2) in relation to any financial record which is kept by a bank, an authorised officer may by notice in writing require the bank to furnish the record or other document to him at such time and place as he may specify.

(2C) In paragraph (2B)—

- (a) “authorised officer”, in relation to a notice, means an officer who is authorised in relation to that notice by a senior officer of the Department (within the meaning given by Article 2(3) of the [Departments \(Northern Ireland\) Order 1999 \(NI 1\)](#));
- (b) “bank” means a person who has permission under Part 4 of the Financial Services and Markets Act 2000 (c. 8) to accept deposits.

(2D) An officer may take copies of any record inspected by or furnished to him under this Article.

(2E) An officer may, for the purposes of paragraph (2D), remove a record from the premises where it is inspected by or furnished to him; but he must return it as soon as reasonably practicable.”.

(5) In paragraph (9)—

- (a) for “sub-paragraph (a) or (b) of paragraph (1)” substitute “paragraph (1) (a) or (b), (2D) or (2E)”;
- (b) for “sub-paragraph (c) of that paragraph or under paragraph (2)” substitute “paragraph (1)(c), (2), (2A) or (2B)”.