

Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 1999, Cross Heading: Inspection. (See end of Document for details)

SCHEDULES

SCHEDULE 7

EMPLOYMENT AGENCIES

Commencement Information

- II** Sch. 7 partly in force; Sch. 7 not in force at Royal Assent see s. 45; Sch. 7 paras. 1, 2, 6, 8 in force and para. 5 in force for certain purposes (25.10.1999) by S.I. 1999/2830, art. 2(1)(2) (with art. 3)

Inspection

- 4 (1) Section 9 (inspection) shall be amended as follows.
- (2) In subsection (1) (power to inspect)—
- (a) for paragraph (a) there shall be substituted—
- “(a) enter any relevant business premises;”
F1
...
F1(b)
- (3) After subsection (1) there shall be inserted—
- “(1A) If an officer seeks to inspect or acquire, in accordance with subsection (1) (b) or (c), a record or other document or information which is not kept at the premises being inspected, he may require any person on the premises—
- (a) to inform him where and by whom the record, other document or information is kept, and
- (b) to make arrangements, if it is reasonably practicable for the person to do so, for the record, other document or information to be inspected by or furnished to the officer at the premises at a time specified by the officer.
- (1B) In subsection (1) “relevant business premises” means premises—
- (a) which are used, have been used or are to be used for or in connection with the carrying on of an employment agency or employment business,
- (b) which the officer has reasonable cause to believe are used or have been used for or in connection with the carrying on of an employment agency or employment business, or
- (c) which the officer has reasonable cause to believe are used for the carrying on of a business by a person who also carries on or has carried on an employment agency or employment business, if the officer also has reasonable cause to believe that records or other documents which relate to the employment agency or employment business are kept there.

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- (1C) For the purposes of subsection (1)—
- (a) “document” includes information recorded in any form, and
 - (b) information is kept at premises if it is accessible from them.”
- (4) For subsection (2) (self-incrimination) there shall be substituted—
- “(2) Nothing in this section shall require a person to produce, provide access to or make arrangements for the production of anything which he could not be compelled to produce in civil proceedings before the High Court or (in Scotland) the Court of Session.
- (2A) Subject to subsection (2B), a statement made by a person in compliance with a requirement under this section may be used in evidence against him in criminal proceedings.
- (2B) Except in proceedings for an offence under section 5 of the ^{M1}Perjury Act 1911 (false statements made otherwise than on oath), no evidence relating to the statement may be adduced, and no question relating to it may be asked, by or on behalf of the prosecution unless—
- (a) evidence relating to it is adduced, or
 - (b) a question relating to it is asked,
- by or on behalf of the person who made the statement.”
- (5) In subsection (3) (offence)—
- (a) for “or (b)” there shall be substituted “, (b) or (d)”, and
 - (b) after the words “paragraph (c) of that subsection” there shall be inserted “or under subsection (1A)”.
- (6) In subsection (4)(a) (restriction on disclosure of information) in sub-paragraph (iv) (exception for criminal proceedings pursuant to or arising out of the Act) the words “pursuant to or arising out of this Act” shall be omitted.

Textual Amendments

F1 Sch. 7 para. 4(2)(b) repealed (6.4.2009) by [Employment Act 2008 \(c. 24\), s. 22\(1\)\(e\)](#), **Sch. Pt. 5**

Commencement Information

I1 Sch. 7 para. 4(1)-(5) in force at 6.4.2004 by [S.I. 2003/3357](#), **art. 3**

Marginal Citations

M1 1911 c. 6.

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