



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 [F¹2 May 2022], for "[F²the general limit in a magistrates' court]" 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—

Status: Point in time view as at 07/02/2023.

Changes to legislation: Gangmasters (Licensing) Act 2004, Cross Heading: Offences is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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.

Textual Amendments

- F1** Words in s. 12(3) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)
- F2** Words in s. 12(3) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

Commencement Information

- I1** S. 12 in force at 1.10.2006 for specified purposes by [S.I. 2006/2406](#), [art. 2\(c\)](#)
- I2** S. 12 in force at 6.4.2007 for specified purposes by [S.I. 2007/695](#), [art. 2\(b\)](#)

13 Offences: entering into arrangements with gangmasters

- (1) A person commits an offence if—
- (a) he enters into arrangements under which a person (“the gangmaster”) supplies him with workers or services, and
 - (b) the gangmaster in supplying the workers or services contravenes section 6 (prohibition of unlicensed activities).
- (2) In proceedings against a person for an offence under subsection (1) it is a defence for him to prove that he—
- (a) took all reasonable steps to satisfy himself that the gangmaster was acting under the authority of a valid licence, and
 - (b) did not know, and had no reasonable grounds for suspecting that the gangmaster was not the holder of a valid licence.
- (3) The Secretary of State may by regulations make provision as to what constitutes “reasonable steps” for the purposes of subsection (2)(a).
- (4) A person guilty of an offence under subsection (1) is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, or to a fine not exceeding the statutory maximum, or to both,

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- (b) on summary conviction 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 281(5) of the Criminal Justice Act 2003 (c. 44), for “51 weeks” in paragraph (a) substitute “ six months ”.

Commencement Information

- I3** S. 13(1)(2)(4) in force at 1.12.2006 for specified purposes by S.I. 2006/2906, art. 2
I4 S. 13(1)(2)(4) in force at 6.4.2007 for specified purposes by S.I. 2007/695, art. 2(c)
I5 S. 13(3) in force at 1.10.2006 by S.I. 2006/2406, art. 2(d)

14 Offences: supplementary provisions

- (1) An enforcement officer (see section 15) has the powers of arrest mentioned in subsection (2) (in addition to powers under [^{F3} section 24A] of the Police and Criminal Evidence Act 1984 (c. 60)) in relation to any of the following offences—

- (a) an offence under section 12(1) or (2),
(b) conspiring to commit any such offence,
(c) attempting to commit any such offence,
(d) inciting, aiding, abetting, counselling or procuring the commission of any such offence.

- (2) Those powers are as follows—

- (a) if he has reasonable grounds for suspecting that such an offence has been committed, he may arrest without warrant anyone whom he has reasonable grounds for suspecting to be guilty of the offence;
(b) he may arrest without warrant—
(i) anyone who is about to commit such an offence;
(ii) anyone whom he has reasonable grounds for suspecting to be about to commit such an offence.

[^{F4}(2A) Subsections (1) and (2) do 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).]

- (3) Subsections (1) and (2) do not apply in Scotland.

- (4) In Schedules 2, 4 and 5 to the Proceeds of Crime Act 2002 (c. 29), after paragraph 9 insert—

“9A An offence under section 12(1) or (2) of the Gangmasters (Licensing) Act 2004 (acting as a gangmaster other than under the authority of a licence, possession of false documents etc).”.

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Textual Amendments

- F3** Words in s. 14(1) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 7 para. 62\(a\)](#); S.I. 2005/3495, art. 2(1)(m)
- F4** [S. 14\(2A\)](#) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 19](#); S.I. 2016/603, reg. 3(u)
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Modifications etc. (not altering text)

- C1** [S. 14](#) modified (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 6 para. 50](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, art. 2(a)
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Commencement Information

- I6** [S. 14](#) in force at 1.10.2006 by [S.I. 2006/2406](#), [art. 2\(e\)](#)

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