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STATUTORY INSTRUMENTS

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**2005 No. 448**

**The Gangmasters (Licensing Authority) Regulations 2005**

**Licensing functions and the register of licences**

**12.**—(1) For the purposes of the exercise of its functions under sections 1, 7, 8 and 9 of the 2004 Act and rules made under section 8, in determining—

- (a) the criteria for assessing the fitness of an applicant for a licence or a specified person, and
- (b) the conditions of a licence and any modification of those conditions,

the Authority shall have regard to the principle that a person should be authorised to act as a gangmaster only if and in so far as his conduct, and the conduct of a specified person, comply with the requirements of paragraph (2).

(2) The requirements referred to in paragraph (1) are —

- (a) the avoidance of any exploitation of workers as respects their recruitment, use or supply; and
- (b) compliance with any obligations imposed by or under any enactment in so far as they relate to, or affect the conduct of, the licence holder or a specified person as persons authorised to undertake certain activities.

(3) In framing licence conditions dealing with the recruitment or supply of workers, the Authority shall ensure that, where a gangmaster would be an employment agency or employment business within the meaning of the 1973 Act if section 27 of the 2004 Act were not in force, the licence conditions shall include provisions imposing on the licensee, or (as appropriate) other specified persons, requirements corresponding to those which would apply under the 1973 Act if section 27 were not in force in so far as the requirements appear to the Authority to be appropriate in the circumstances.

(4) Where the Authority has made provision in rules under section 8(2)(f) of the 2004 Act for a licence to be granted on a provisional basis, it shall assume in relation to any application for such a licence that the applicant or a specified person is a fit person to be granted the licence or specified in the licence as the case may be unless, on the basis of information held or obtained, it has reasonable grounds to believe otherwise.

(5) In this regulation “specified person”, in relation to any given licence, means any person proposed to be specified in the licence as a person authorised to undertake certain activities by virtue of section 7(3)(b) of the 2004 Act.

(6) The Authority shall ensure that the register established by section 11(1) of the 2004 Act is available for public inspection at all reasonable times and free of charge.