



Employment Agencies Act 1973

1973 CHAPTER 35

Licences

1 Employment agencies and businesses to be licensed

- (1) Subject to subsections (2) and (3) of this section, no person shall carry on an employment agency or an employment business at any premises after the date on which this section comes into force unless he is the holder of a current licence from the licensing authority authorising him to carry on such an agency or such a business at those premises.
- (2) A person who has duly applied for a licence under this Act before the date mentioned in the foregoing subsection shall not be precluded by that subsection from carrying on an employment agency or an employment business after that date—
 - (a) until the commencement of the licence ; or
 - (b) if the application is refused, until the time for appealing against the refusal has expired and, if such an appeal is duly brought, until the time when it is disposed of.
- (3) A person who, on the date mentioned in subsection (1) of this section, is carrying on an employment agency or an employment business under the authority of a licence granted under an enactment repealed by or under this Act may, so long as he complies with any conditions subject to which the licence has been granted, continue to carry on that business under the authority of that licence until the licence expires.
- (4) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

2 Grant of licences, etc.

- (1) (a) An applicant for a licence under this Act shall, not less than twenty-one days before making his application—
 - (i) display notice of the application in a place where it can conveniently be read by the public on or near the premises at which the employment agency or employment business is or is to be carried on and take such

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steps as he reasonably can to keep that notice so displayed for a period of twenty-one days ; and

- (ii) advertise notice of the application in a newspaper approved by the licensing authority:

Provided that this paragraph shall not apply where the applicant is the holder of a current licence or a person who is carrying on an employment agency or an employment business under the authority of a licence granted under an enactment repealed by or under this Act and the carrying on of the employment agency or employment business at the premises in question is authorised by that licence.

- (b) A notice under paragraph (a) of this subsection—
 - (i) shall state the name and address of the applicant; and
 - (ii) shall state the situation of the premises at which the employment agency or employment business is or is to be carried on and the class of business carried on or to be carried on at those premises.
 - (c) An application for a licence shall not be entertained by the licensing authority unless it is made in the prescribed manner and is accompanied—
 - (i) by the prescribed particulars ; and
 - (ii) where paragraph (a) of this subsection applies, by a certificate, signed by or on behalf of the applicant, stating that he has complied with that paragraph and a copy of the newspaper containing notice of the application.
- (2) Subject to the provisions of this section, the licensing authority shall, as soon as reasonably practicable after the receipt of an application for a licence and on payment of the prescribed fee, grant a licence to any person who duly applies for one.
- (3) An application for a licence in respect of an employment agency or an employment business may be refused on any of the following grounds, that is to say—
- (a) that the applicant is an individual under the age of twenty-one years;
 - (b) that the applicant is a person who on account of misconduct or for any other sufficient reason is unsuitable to hold a licence in respect of an agency or business of the class in question ;
 - (c) that any person (other than the applicant) who is or is to be concerned with the carrying on of the employment agency or employment business is a person who on account of misconduct or for any other sufficient reason is unsuitable to be associated with an agency or business of the class in question;
 - (d) that the premises at which the employment agency or employment business is or is to be carried on are unsuitable in respect of an agency or business of the class in question;
 - (e) that the employment agency or employment business has been or is being improperly conducted.
- (4) The licensing authority shall, within seven days after making a decision on an application for a licence, give notice in writing of the decision to the applicant and such notice shall state, in the case of a decision to refuse a licence, the grounds for the refusal.
- (5) Unless revoked under the subsequent provisions of this Act, a licence shall continue in force for one year (or such longer period, not exceeding five years, as the licensing

authority may specify in any particular case) beginning with the date specified therein for its commencement:

Provided that where the holder of a licence in respect of any premises has duly applied before its expiry for a further licence in respect of those premises, the previous licence shall not expire until the commencement of the further licence or, if the application is refused, until the time for appealing against the refusal has expired and, if such an appeal is duly brought, until it is disposed of.

- (6) Where the holder of a licence dies, it shall be deemed to have been transferred on his death, if he was the sole holder, to his personal representatives and, if he was a joint holder, to the surviving holder or holders.
- (7) It shall be the duty of the holder of a licence under this Act, within one month of any change in the particulars accompanying the application for that licence under subsection (1) of this section, to give to the licensing authority notice in writing of the change and any person who fails to comply with this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100:

Provided that nothing in this subsection shall be taken as authorising the holder of a licence to carry on any business otherwise than in accordance with the provisions of the licence.

- (8) Every licence granted under this Act shall be endorsed with notice of the effect of subsection (7) of this section.

3 Revocation of licences

- (1) A licence under this Act may be revoked by the licensing authority on any of the grounds specified in section 2(3) of this Act.
- (2) The licensing authority shall not act under subsection (1) of this section unless they have given not less than one month's notice in writing to the holder of the licence of the grounds on which they propose to revoke the licence and, if the holder makes representations in writing to the licensing authority within one month of the date on which the notice is given or such longer period as the licensing authority may allow, the licensing authority shall have regard to those representations.
- (3) On deciding to act under subsection (1) of this section the licensing authority shall give notice in writing of their decision to the holder of the licence stating the grounds for the revocation.
- (4) The revocation of a licence by the licensing authority shall not take effect until the time for appealing against the decision of the licensing authority has expired and, if such an appeal is duly brought, until it is disposed of.

4 Appeals

- (1) Any person who is aggrieved by a decision of the licensing authority—
 - (a) refusing to grant him a licence ; or
 - (b) revoking a licence of which he is the holder,may appeal in the prescribed manner giving the prescribed particulars, to the Secretary of State.

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- (2) An appeal under subsection (1) of this section against any decision shall be brought within twenty-one days of the date on which notice of the decision was given in accordance with the foregoing provisions of this Act.
- (3) The Secretary of State may, in such cases as he considers it appropriate to do so, having regard to the nature of the questions which appear to him to arise, direct that an appeal under subsection (1) of this section shall be determined on his behalf by a person appointed by him for the purpose.
- (4) Before the determination of an appeal the Secretary of State shall ask the appellant and the licensing authority whether they wish to appear and be heard on the appeal and—
 - (a) the appeal may be determined without a hearing of the parties if both of them express a wish not to appear and be heard as aforesaid ;
 - (b) the Secretary of State shall, if either of the parties expresses a wish to appear and be heard, afford to both of them an opportunity of so doing.
- (5) The Tribunals and Inquiries Act 1971 shall apply to a hearing held by a person appointed in pursuance of subsection (3) of this section to determine an appeal as it applies to a statutory inquiry held by the Secretary of State, but as if in section 12(1) of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State included a reference to a decision taken on his behalf by that person.
- (6) A person who determines an appeal under subsection (1) of this section on behalf of the Secretary of State and the Secretary of State, if he determines such an appeal, may give such directions as he considers appropriate to give effect to his determination.