

SCHEDULES

SCHEDULE 4

EMPLOYMENT BUSINESSES: FAILURE TO CHECK

Offences

- 1.—(1) A person (P) who carries on an employment business commits an offence if—
- (a) he supplies an individual (B) to another person in the course of that business,
 - (b) he knows or has reason to believe that the other person will permit B to engage in regulated activity, and
 - (c) he is not appropriately registered in relation to B.
- (2) P is appropriately registered in relation to B if—
- (a) he is registered in relation to B under Article 34,
 - (b) his registration relates to monitoring in relation to the activity, and
 - (c) he has notified the Secretary of State of the address to which communications are to be sent in connection with his registration.
- (3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- 2.—(1) In such circumstances as are prescribed, a person (P) who carries on an employment business commits an offence if—
- (a) he supplies an individual (B) to another person in the course of that business,
 - (b) he knows or has reason to believe that the other person will permit B to engage in regulated activity, and
 - (c) he fails to obtain a copy of an enhanced criminal record certificate relating to B issued in relation to P during the prescribed period.
- (2) For these purposes “enhanced criminal record certificate” means—
- (a) in relation to regulated activity relating to children, an enhanced criminal record certificate issued under the Police Act 1997 (c. 50) containing suitability information relating to children (within the meaning of section 113BA of that Act);
 - (b) in relation to regulated activity relating to vulnerable adults, an enhanced criminal record certificate issued under that Act containing suitability information relating to vulnerable adults (within the meaning of section 113BB of that Act).
- (3) An enhanced criminal record certificate is issued in relation to P only if —
- (a) he countersigned the application for the certificate as a registered person for the purposes of Part 5 of the Police Act 1997 Act, or
 - (b) the application was countersigned on his behalf by such a person.
- (4) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.