



# Employment Agencies Act 1973

## 1973 CHAPTER 35

**E+W+S**

An Act to regulate employment agencies and businesses; and for connected purposes. [18th July 1973]

### Modifications etc. (not altering text)

C1 Act excluded by [S.I. 1979/1741](#)

### *Licences*

#### **1 Employment agencies and businesses to be licensed. E+W+S**

- (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 [<sup>F1</sup>Secretary of State] 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 [<sup>F2</sup>refusal is notified to him in accordance with section 3(10) of this Act].
- (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carrying on an employment agency or an employment business under the authority of a licence granted under an enactment repealed by or under this Act may, so long as he complies with any conditions subject to which the licence has been granted, continue to carry on that business under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.

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**Changes to legislation:** Employment Agencies Act 1973 is up to date with all changes known to be in force on or before 27 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)

- (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 [<sup>F3</sup>level 5 on the standard scale].

#### Textual Amendments

- F1** Words substituted by [Employment Protection Act 1975 \(c. 71\), Sch. 13 para. 1](#)  
**F2** Words substituted by [Employment Protection Act 1975 \(c. 71\), Sch. 13 para. 2](#)  
**F3** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#)

## 2 Grant of licences, etc. **E+W+S**

- (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 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 [<sup>F4</sup>Secretary of State]:

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 [<sup>F4</sup>Secretary of State] 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 [<sup>F4</sup>Secretary of State] 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;

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- (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.

[<sup>F5</sup>(3A) A licence may be revoked by the Secretary of State on any of the grounds specified in subsection (3) of this section.]

(4) . . . . . <sup>F6</sup>

(5) Unless revoked . . . <sup>F7</sup> a licence shall continue in force for one year (or such longer period, not exceeding five years, as the [<sup>F4</sup>Secretary of State] 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 [<sup>F8</sup>refusal is notified to him in accordance with section 3(10) of this Act].

(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 [<sup>F4</sup>Secretary of State] 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 [<sup>F9</sup>level 3 on the standard scale]:

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.

**Textual Amendments**

- F4** Words substituted by [Employment Protection Act 1975 \(c. 71\), Sch. 13 para. 1](#)
- F5** [S. 2\(3A\)](#) inserted by [Employment Protection Act 1975 \(c. 71\), Sch. 13 para. 3\(1\)](#)
- F6** [Ss. 2\(4\), 8](#) repealed by [Employment Protection Act 1975 \(c. 71\), Sch. 18](#)
- F7** Words repealed by [Employment Protection Act 1975 \(c. 71\), Sch. 18](#)
- F8** Words substituted by [Employment Protection Act 1975 \(c. 71\), Sch. 13 para. 3\(3\)](#)
- F9** Words substituted by virtue of [\(E.W.\) Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#) and [\(S.\) Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#)

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**[<sup>F10</sup>3 Right to make representations. E+W+S**

- (1) Where the Secretary of State proposes to refuse or to revoke a licence he shall notify the applicant for or the holder of the licence of—
  - (a) the proposal and the reasons for it; and
  - (b) his right under this section to make written representations relating to that proposal and the time within which that right may be exercised.
- (2) A person who receives a notification of a proposal such as is mentioned in subsection (1) of this section may make written representations about it to the Secretary of State.
- (3) Written representations in relation to a proposal to refuse or revoke a licence must be received by the Secretary of State within 21 days of the receipt of the notification of that proposal.
- (4) If the Secretary of State receives such representations within the time specified in subsection (3) of this section, he shall consider them and—
  - (a) if he decides not to proceed with the proposal, and accordingly decides to grant or not to revoke the licence, shall notify the applicant or holder of his decision;
  - (b) in any other case, shall appoint a person to consider the representations on his behalf, and shall notify the applicant or holder of that appointment and of the name of the appointed person, and shall require the applicant or holder to state within 14 days whether he wishes to make oral representations to the appointed person.
- (5) If a person who receives such a notification as is mentioned in subsection (4)(b) of this section expresses, within the time mentioned in that paragraph, a wish to make oral representations to the appointed person the Secretary of State shall give the former written notice of the place, date and time of the hearing.
- (6) A notice under subsection (5) of this section shall not specify a date for the hearing earlier than 21 days from the date of the notice, unless the person who wishes to make the representations has agreed to an earlier hearing.
- (7) The appointed person shall, in accordance with the notice given under subsection (5) of this section, afford to the person who wishes to make oral representations an opportunity to do so, either in person or by any person authorised by him in that behalf.
- (8) The appointed person shall consider the written representations referred to in subsection (4) of this section and any oral representations made under subsection (7) of this section, and shall make a report to the Secretary of State giving his findings of fact and his recommendations.
- (9) Where representations relating to a proposal have been made under this section, the Secretary of State may make a final decision relating to that proposal only after receiving and considering the report on it of the appointed person.
- (10) The Secretary of State shall notify the applicant, or holder, of his decision and the reasons for it and shall send him a copy of the appointed person's report].

**Textual Amendments**

**F10** S. 3 substituted for ss. 3, 4 by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 4](#)

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VALID FROM 03/01/1995

*[<sup>F11</sup>Prohibition orders]*

**Textual Amendments**

**F11** Crossheading inserted (3.1.1995) by 1994 c. 40, s. 35, **Sch. 10 Pt. I para. 1(3)**; S.I. 1994/3188, arts. 2, 3

**[<sup>F12</sup>3A Power to make orders. E+W+S]**

- (1) On application by the Secretary of State, an industrial tribunal may by order prohibit a person from carrying on, or being concerned with the carrying on of—
  - (a) any employment agency or employment business; or
  - (b) any specified description of employment agency or employment business.
- (2) An order under subsection (1) of this section (in this Act referred to as “a prohibition order”) may either prohibit a person from engaging in an activity altogether or prohibit him from doing so otherwise than in accordance with specified conditions.
- (3) A prohibition order shall be made for a period beginning with the date of the order and ending—
  - (a) on a specified date, or
  - (b) on the happening of a specified event,in either case, not more than ten years later.
- (4) Subject to subsections (5) and (6) of this section, an industrial tribunal shall not make a prohibition order in relation to any person unless it is satisfied that he is, on account of his misconduct or for any other sufficient reason, unsuitable to do what the order prohibits.
- (5) An industrial tribunal may make a prohibition order in relation to a body corporate if it is satisfied that—
  - (a) any director, secretary, manager or similar officer of the body corporate,
  - (b) any person who performs on behalf of the body corporate the functions of a director, secretary, manager or similar officer, or
  - (c) any person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act,is unsuitable, on account of his misconduct or for any other sufficient reason, to do what the order prohibits.
- (6) An industrial tribunal may make a prohibition order in relation to a partnership if it is satisfied that any member of the partnership, or any manager employed by the partnership, is unsuitable, on account of his misconduct or for any other sufficient reason, to do what the order prohibits.
- (7) For the purposes of subsection (4) of this section, where an employment agency or employment business has been improperly conducted, each person who was carrying on, or concerned with the carrying on of, the agency or business at the time, shall be deemed to have been responsible for what happened unless he can show that it

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happened without his connivance or consent and was not attributable to any neglect on his part.

(8) A person shall not be deemed to fall within subsection (5)(c) of this section by reason only that the directors act on advice given by him in a professional capacity.

(9) In this section—

“director”, in relation to a body corporate whose affairs are controlled by its members, means a member of the body corporate; and

“specified”, in relation to a prohibition order, means specified in the order.]

#### Textual Amendments

**F12** S. 3A inserted (3.1.1995) by 1994 c. 40, s. 35, Sch. 10 Pt. I para. 1(3); S.I. 1994/3188, arts. 2, 3

#### <sup>F13</sup>**3B Enforcement.** **E+W+S**

Any person who, without reasonable excuse, fails to comply with a prohibition order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Textual Amendments

**F13** S. 3B inserted (3.1.1995) by 1994 c. 40, s. 35, Sch. 10 Pt. I para. 1(3); S.I. 1994/3188, arts. 2, 3

#### <sup>F14</sup>**3C Variation and revocation of orders.** **E+W+S**

(1) On application by the person to whom a prohibition order applies, an industrial tribunal may vary or revoke the order if the tribunal is satisfied that there has been a material change of circumstances since the order was last considered.

(2) An industrial tribunal may not, on an application under this section, so vary a prohibition order as to make it more restrictive.

(3) The Secretary of State shall be a party to any proceedings before an industrial tribunal with respect to an application under this section, and be entitled to appear and be heard accordingly.

(4) When making a prohibition order or disposing of an application under this section, an industrial tribunal may, with a view to preventing the making of vexatious or frivolous applications, by order prohibit the making of an application, or further application, under this section in relation to the prohibition order before such date as the tribunal may specify in the order under this subsection.

#### Textual Amendments

**F14** S. 3C inserted (3.1.1995) by 1994 c. 40, s. 35, Sch. 10 Pt. I para. 1(3); S.I. 1994/3188, arts. 2, 3

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<sup>F15</sup>**3D Appeals.** **E+W+S**

- (1) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in proceedings before, an industrial tribunal under section 3A or 3C of this Act.
- (2) No other appeal shall lie from a decision of an industrial tribunal under section 3A or 3C of this Act; and section 11 of the Tribunals and Inquiries <sup>M1</sup>Act 1992 (appeals from certain tribunals to High Court or Court of Session) shall not apply to proceedings before an industrial tribunal under section 3A or 3C of this Act.

**Textual Amendments**

**F15** S. 3D inserted (3.1.1995) by 1994 c. 40, s. 35, **Sch. 10 Pt. I para. 1(3)**; S.I. 1994/3188, **arts. 2, 3**

**Marginal Citations**

**M1** 1992 c. 53.

*Conduct of employment agencies and employment businesses*

**5 General regulations.** **E+W+S**

- (1) The Secretary of State may make regulations to secure the proper conduct of employment agencies and employment businesses and to protect the interests of persons availing themselves of the services of such agencies and businesses, and such regulations may in particular make provision—
  - (a) requiring persons carrying on such agencies and businesses to keep records;
  - (b) prescribing the form of such records and the entries to be made in them;
  - (c) prescribing qualifications appropriate for persons carrying on such agencies and businesses;
  - (d) regulating advertising by persons carrying on such agencies and businesses;
  - (e) safeguarding clients' money deposited with or otherwise received by persons carrying on such agencies and businesses;
  - (f) regulating the provision of services by persons carrying on such agencies and businesses in respect of persons who seek employment outside the United Kingdom or of persons normally resident outside the United Kingdom who seek employment in the United Kingdom;
  - (g) regulating the provision of services by persons carrying on such agencies and businesses in respect of persons who are under the age of eighteen years or are undergoing full-time education:

Provided that regulations under this section shall not make provision for regulating or restricting the charging of fees to employers by persons carrying on such agencies and businesses.

- (2) Any person who contravenes or fails to comply with any regulation made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F16</sup>level 5 on the standard scale].

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**Textual Amendments**  
**F16** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

**6 Restriction on charging persons seeking employment, etc. E+W+S**

- (1) Except in such cases or classes of case as the Secretary of State may prescribe, a person carrying on an employment agency or an employment business shall not demand or directly or indirectly receive from any person any fee for finding him employment or for seeking to find him employment.
- (2) Any person who contravenes this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F17</sup>level 5 on the standard scale].

**Textual Amendments**  
**F17** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

**7 Display of licences, etc. E+W+S**

- (1) The holder of a licence under this Act in respect of any employment agency or employment business shall keep displayed on the premises to which the licence relates in such a position that it can be readily seen by persons resorting to those premises—
  - (a) the licence; and
  - (b) a copy of any regulations under this Act which apply to the employment agency or employment business.
- (2) Any person who fails to comply with this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F18</sup>level 5 on the standard scale].

**Textual Amendments**  
**F18** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

*Supplementary provisions*

**8** ..... <sup>F19</sup> **E+W+S**

**Textual Amendments**  
**F19** Ss. 2(4), 8 repealed by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 18**



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## 9 Inspection. **E+W+S**

- (1) Any officer [<sup>F20</sup>duly authorised in that behalf by the Secretary of State] may at all reasonable times on producing, if so required, written evidence of his authority—
  - (a) enter any premises used or to be used for or in connection with the carrying on of an employment agency or employment business by a person who is the holder of, or who has applied for, a licence under this Act and any other premises which the officer has reasonable cause to believe are used for or in connection with the carrying on of an employment agency or employment business; and
  - (b) inspect those premises and any records or other documents kept in pursuance of this Act or of any regulations made thereunder; and
  - (c) subject to subsection (2) of this section, require any person on those premises to furnish him with such information as he may reasonably require for the purpose of ascertaining whether the provisions of this Act and of any regulations made thereunder are being complied with or of enabling the [<sup>F21</sup>Secretary of State] to exercise [<sup>F21</sup>his] functions under this Act.
- (2) A person shall not be required under paragraph (c) of subsection (1) of this section to answer any question tending to incriminate himself or, in the case of a person who is married, his or her wife or husband.
- (3) Any person who obstructs an officer in the exercise of his powers under paragraph (a) or (b) of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F22</sup>level 3 on the standard scale] and any person who, without reasonable excuse, fails to comply with a requirement under paragraph (c) of that subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F22</sup>level 3 on the standard scale].
- (4)
  - (a) No information obtained in the course of exercising the powers conferred by subsection (1) of this section shall be disclosed except—
    - (i) with the consent of the person by whom the information was furnished or, where the information was furnished on behalf of another person, with the consent of that other person or with the consent of the person carrying on or proposing to carry on the employment agency or employment business concerned; or
    - (ii) . . . <sup>F23</sup>
    - <sup>F24</sup>(ii) to the Secretary of State, or an officer or servant appointed by, or person exercising functions on behalf of, the Secretary of State for the purposes of the exercise of their respective functions under this Act; or
    - <sup>F25</sup>(iii) by the Secretary of State, or an officer or servant appointed by, or persons exercising functions on behalf of, the Secretary of State to the person carrying on or proposing to carry on the employment agency or employment business concerned, to any person in his employment or, in the case of information relating to a person availing himself of the services of such an agency or business, to that person; or]
    - <sup>F24</sup>(iv) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to or arising out of this Act or for the purposes of any hearing [<sup>F26</sup>under section 3(7) of this Act].
  - (b) Any person who contravenes paragraph (a) of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F22</sup>level 5 on the standard scale].

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#### Textual Amendments

- F20** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(1\)](#)  
**F21** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(2\)](#)  
**F22** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)  
**F23** [S. 9\(4\)\(a\)\(ii\)\(iii\)](#) repealed by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 18](#)  
**F24** Sub-para. renumbered by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(3\)](#)  
**F25** [S. 9\(4\)\(a\)\(iii\)](#) inserted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(3\)](#)  
**F26** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(3\)](#)

### 10 Fraudulent applications and entries. **E+W+S**

- (1) Any person who for the purpose of procuring the grant of a licence under this Act—
- (a) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular; or
  - (b) produces, furnishes, sends or otherwise makes use of a document which he knows is false in a material particular or recklessly produces, furnishes, sends or otherwise makes use of a document which is false in a material particular,
- shall be guilty of an offence.
- (2) Any person who makes or causes to be made or knowingly allows to be made any entry in a record or other document required to be kept in pursuance of this Act or of any regulations made thereunder which he knows to be false in a material particular shall be guilty of an offence.
- (3) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding [<sup>F27</sup>level 5 on the standard scale].

#### Textual Amendments

- F27** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

### 11 Offences by bodies corporate. **E+W+S**

Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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VALID FROM 25/10/1999

**[<sup>F28</sup>11A Offences: extension of time limit. E+W+S**

- (1) For the purposes of subsection (2) of this section a relevant offence is an offence under section 3B, 5(2), 6(2), 9(4)(b) or 10(2) of this Act for which proceedings are instituted by the Secretary of State.
- (2) Notwithstanding section 127(1) of the <sup>M2</sup>Magistrates' Courts Act 1980 (information to be laid within 6 months of offence) an information relating to a relevant offence which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time—
  - (a) within 3 years after the date of the commission of the offence, and
  - (b) within 6 months after the date on which evidence sufficient in the opinion of the Secretary of State to justify the proceedings came to his knowledge.
- (3) Notwithstanding section 136 of the <sup>M3</sup>Criminal Procedure (Scotland) Act 1995 (time limit for prosecuting certain statutory offences) in Scotland proceedings in respect of an offence under section 3B, 5(2), 6(2), 9(4)(b) or 10(2) of this Act may be commenced at any time—
  - (a) within 3 years after the date of the commission of the offence, and
  - (b) within 6 months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings came to his knowledge.
- (4) For the purposes of this section a certificate of the Secretary of State or Lord Advocate (as the case may be) as to the date on which evidence came to his knowledge is conclusive evidence.]

**Textual Amendments**

**F28** S. 11A inserted (25.10.1999) by 1999 c. 26, s. 31, Sch. 7 paras. 1, 5; S.I. 1999/2830, art. 2, Sch. 1 Pt. I

**Marginal Citations**

**M2** 1980 c. 43.

**M3** 1995 c. 46.

PROSPECTIVE

**<sup>F30</sup><sup>F29</sup>11B Offences: cost of investigation. E+W+S**

The court in which a person is convicted of an offence under this Act may order him to pay to the Secretary of State a sum which appears to the court not to exceed the costs of the investigation which resulted in the conviction.]

**Textual Amendments**

**F29** S. 11B inserted (*prosp.*) by 1999 c. 26, ss. 31, 45(1), Sch. 7 paras. 1, 5

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**F30** S. 11B inserted (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), ss. 31,s. 45(1), [Sch. 7 para. 5](#); [S.I. 2003/3357](#), art. 3

## 12 Regulations and orders. **E+W+S**

- (1) Subject to the next following subsection, the Secretary of State shall have power to make regulations for prescribing anything which under this Act is to be prescribed.
- (2) The Secretary of State shall not make any regulations under this Act except after consultation with such bodies as appear to him to be representative of the interests concerned.
- (3) Regulations under this Act may make different provision in relation to different cases or classes of case.
- (4) The power of the Secretary of State to make regulations and orders under this Act shall be exercisable by statutory instrument.
- (5) A statutory instrument containing regulations under this Act, or an order under section 14(3) of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## 13 Interpretation. **E+W**

- (1) In this Act—

“current licence” means a licence granted under this Act which has not expired and which has not been revoked;

“employment” includes—

- (a) employment by way of a professional engagement or otherwise under a contract for services;
- (b) the reception in a private household of a person under an arrangement whereby that person is to assist in the domestic work of the household in consideration of receiving hospitality and pocket money or hospitality only;

and “worker” and “employer” shall be construed accordingly;

“employment agency” has the meaning assigned by subsection (2) of this section but does not include any arrangements, services, functions or business to which this Act does not apply by virtue of subsection (7) of this section;

“employment business” has the meaning assigned by subsection (3) of this section but does not include any arrangements, services, functions or business to which this Act does not apply by virtue of subsection (7) of this section;

“fee” includes any charge however described;

“holder” in relation to a licence includes a person to whom it is deemed to have been transferred under section 2(6) of this Act;

. . .  
<sup>F31</sup>

“local authority” in relation to England and Wales, means a county council, . . .<sup>F32</sup> the Common Council of the City of London, a district council or a London borough council and, in relation to [<sup>F33</sup>Scotland means a regional, islands or district council];

“organisation” includes an association of organisations;

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“organisation of employers” means an organisation which consists wholly or mainly of employers and whose principal objects include the regulation of relations between employers and workers or organisations of workers;

“organisation of workers” means an organisation which consists wholly or mainly of workers and whose principal objects include the regulation of relations between workers and employers or organisations of employers;

“prescribed” means prescribed by regulations made under this Act by the Secretary of State;

“seaman” has the same meaning as in the <sup>M4</sup>Merchant Shipping Act 1894.

- (2) For the purposes of this Act “employment agency” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of providing services (whether by the provision of information or otherwise) for the purpose of finding workers employment with employers or of supplying employers with workers for employment by them.
- (3) For the purposes of this Act “employment business” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of supplying persons in the employment of the person carrying on the business, to act for, and under the control of, other persons in any capacity.
- (4) The reference in subsection (2) of this section to providing services does not include a reference—
- (a) to publishing a newspaper or other publication unless it is published wholly or mainly for the purpose mentioned in that subsection;
  - (b) to the display by any person of advertisements on premises occupied by him otherwise than for the said purpose; . . . <sup>F34</sup>[<sup>F35</sup>or
  - (c) to providing a programme service (within the meaning of the Broadcasting Act 1990).]
- (5) For the purposes of section 269 of the <sup>M5</sup>Local Government Act 1972, this Act shall be deemed to have been passed after 1st April 1974.
- (6) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.
- (7) This Act does not apply to—
- (a) any business which is carried on exclusively for the purpose of obtaining employment for—
    - (i) persons formerly members of Her Majesty’s naval, military or air forces; or
    - (ii) persons released from a [<sup>F36</sup>custodial sentence passed by a criminal court in the United Kingdom, the Channel Islands or the Isle of Man;]and which is certified annually by or on behalf of the Admiralty Board of the Defence Council, the Army Board of the Defence Council or the Air Force Board of the Defence Council or by the Secretary of State (as the case may be) to be properly conducted;
  - (b) any agency for the supply of nurses as defined in section 8 of the <sup>M6</sup>Nurses Agencies Act 1957 or section 32 of the <sup>M7</sup>Nurses (Scotland) Act 1951;
  - (c) the business carried on by any county or district nursing association or other similar organisation, being an association or organisation established and existing wholly or mainly for the purpose of providing patients with the

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- services of a nurse to visit them in their own homes without herself taking up residence there;
- (d) services which are ancillary to the letting upon hire of any aircraft, vessel, vehicle, plant or equipment;
  - (e) the making of arrangements for finding seamen for persons seeking to employ seamen or for finding employment for seamen;
  - <sup>F37</sup>(f) the exercise by a local authority [<sup>F38</sup>, a police authority established under section 3 of the <sup>M8</sup>Police Act 1964][<sup>F39</sup>, [<sup>F40</sup>the Inner London Education Authority]or a joint authority established by Part IV of the Local Government Act 1985]of any of their functions;
  - [<sup>F41</sup>(ff) the exercise by the Broads Authority of any of its functions;]
  - (g) services provided by any organisation of employers or organisation of workers for its members;
  - [<sup>F42</sup>(ga) services provided in pursuance of arrangements made, or a direction given, under section 10 of the Employment and Training Act 1973;]
  - (h) services provided by an appointments board or service controlled by—
    - (i) one or more universities;
    - (ii) a central institution as defined in section 145 of the <sup>M9</sup>Education (Scotland) Act 1962 or a college of education as defined in the said section 145;
  - (i) any business carried on, or any services provided by, such persons or classes of persons as may be prescribed:

Provided that paragraph (b) of this subsection shall not be taken as exempting from the provisions of this Act any other business carried on in conjunction with an agency for the supply of nurses.

- (8) Subsection (7)(c) of this section shall have effect in its application to Scotland as if at the end there were added the words “or mainly or substantially supported by voluntary subscriptions and providing patients with the services of a nurse whether or not the nurse takes up residence in the patient’s house”.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F31** Definition repealed by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 18](#)
- F32** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)
- F33** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 208\(b\)](#)
- F34** Word repealed by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), s. 57(1)(2), [Sch. 5 para. 27](#), [Sch. 6](#)
- F35** Word “or” and s. 13(4)(c) substituted for s.13(4)(c)(d) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(1), [Sch. 20 para. 18](#)
- F36** Words substituted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 123(6), [Sch. 8 Pt. I paras. 7, 16](#)
- F37** [S. 13\(7\)\(f\)](#) extended (5.7.1994) by [1994 c. 19, ss. 39, 66\(2\)](#), [Sch. 13 para. 20\(d\)](#) (with [ss. 54\(5\)\(7\), 55\(5\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#))
- F38** Words in [s. 13\(7\)\(f\)](#) inserted (1.10.1994 for certain purposes only and 1.4.1995 otherwise) by [1994 c. 29, s. 43](#), [Sch. 4 Pt. II para. 50](#); [S.I. 1994/2025, art. 6](#); [S.I. 1994/3262, art. 4\(1\)](#), [Sch.](#)
- F39** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 para. 50](#)

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- F40** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), s. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F41** S. 13(7)(ff) inserted (E.W.) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 11**
- F42** S. 13(7)(ga) inserted (1.4.1994 in relation to England and Scotland and 1.4.1995 for all other purposes) by 1993 c. 19, s. 49(2), **Sch. 8 para. 4**; S.I. 1993/2503, art. 2(3), **Sch. 3**

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**Modifications etc. (not altering text)**

- C2** S. 13(7)(f) extended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(j)**
- C3** S. 13(7)(f) amended by Local Government Act 1985 (c. 51, SIF 81:1), 57(7), Sch. 13 para. 13(e)
- C4** S. 13(7)(f) extended by S.I. 1987/2110, art. 2, **Sch. 1 para. 8(g)**

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**Marginal Citations**

- M4** 1894 c. 60.
- M5** 1972 c. 70.
- M6** 1957 c. 16.
- M7** 1951 c. 55.
- M8** 1964 c. 48.
- M9** 1962 c. 47.

## 13 Interpretation. **S**

(1) In this Act—

“current licence” means a licence granted under this Act which has not expired and which has not been revoked;

“employment” includes—

- (a) employment by way of a professional engagement or otherwise under a contract for services;
- (b) the reception in a private household of a person under an arrangement whereby that person is to assist in the domestic work of the household in consideration of receiving hospitality and pocket money or hospitality only;

and “worker” and “employer” shall be construed accordingly;

“employment agency” has the meaning assigned by subsection (2) of this section but does not include any arrangements, services, functions or business to which this Act does not apply by virtue of subsection (7) of this section;

“employment business” has the meaning assigned by subsection (3) of this section but does not include any arrangements, services, functions or business to which this Act does not apply by virtue of subsection (7) of this section;

“fee” includes any charge however described;

“holder” in relation to a licence includes a person to whom it is deemed to have been transferred under section 2(6) of this Act;

...  
<sup>F43</sup>

“local authority” in relation to England and Wales, means a county council, ...<sup>F44</sup>, the Common Council of the City of London, a district council or a London borough council and, in relation to [<sup>F45</sup>Scotland means a regional, islands or district council];

“organisation” includes an association of organisations;

“organisation of employers” means an organisation which consists wholly or mainly of employers and whose principal objects include the regulation of relations between employers and workers or organisations of workers;

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“organisation of workers” means an organisation which consists wholly or mainly of workers and whose principal objects include the regulation of relations between workers and employers or organisations of employers;

“prescribed” means prescribed by regulations made under this Act by the Secretary of State;

“seaman” has the same meaning as in the <sup>M10</sup>Merchant Shipping Act 1894.

- (2) For the purposes of this Act “employment agency” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of providing services (whether by the provision of information or otherwise) for the purpose of finding workers employment with employers or of supplying employers with workers for employment by them.
- (3) For the purposes of this Act “employment business” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of supplying persons in the employment of the person carrying on the business, to act for, and under the control of, other persons in any capacity.
- (4) The reference in subsection (2) of this section to providing services does not include a reference—
- (a) to publishing a newspaper or other publication unless it is published wholly or mainly for the purpose mentioned in that subsection;
  - (b) to the display by any person of advertisements on premises occupied by him otherwise than for the said purpose; . . . <sup>F46</sup><sup>F47</sup>or
  - (c) to providing a programme service (within the meaning of the Broadcasting Act 1990).]
- (5) For the purposes of section 269 of the <sup>M11</sup>Local Government Act 1972, this Act shall be deemed to have been passed after 1st April 1974.
- (6) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.
- (7) This Act does not apply to—
- (a) any business which is carried on exclusively for the purpose of obtaining employment for—
    - (i) persons formerly members of Her Majesty’s naval, military or air forces; or
    - (ii) persons released from a prison, Borstal institution, detention centre or young offenders’ institution
 and which is certified annually by or on behalf of the Admiralty Board of the Defence Council, the Army Board of the Defence Council or the Air Force Board of the Defence Council or by the Secretary of State (as the case may be) to be properly conducted;
  - (b) any agency for the supply of nurses as defined in section 8 of the <sup>M12</sup>Nurses Agencies Act 1957 or section 32 of the <sup>M13</sup>Nurses (Scotland) Act 1951;
  - (c) the business carried on by any county or district nursing association or other similar organisation, being an association or organisation established and existing wholly or mainly for the purpose of providing patients with the services of a nurse to visit them in their own homes without herself taking up residence there;



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- (d) services which are ancillary to the letting upon hire of any aircraft, vessel, vehicle, plant or equipment;
- (e) the making of arrangements for finding seamen for persons seeking to employ seamen or for finding employment for seamen;
- (f) the exercise by a local authority [<sup>F48</sup>, a police authority established under section 3 of the <sup>M14</sup>Police Act 1964][<sup>F49</sup>, [<sup>F50</sup>the Inner London Education Authority]or a joint authority established by Part IV of the Local Government Act 1985] of any of their functions;
- (g) services provided by any organisation of employers or organisation of workers for its members;
- [<sup>F51</sup>(ga) services provided in pursuance of arrangements made, or a direction given, under section 10 of the Employment and Training Act 1973;]
- (h) services provided by an appointments board or service controlled by—
  - (i) one or more universities;
  - (ii) a central institution as defined in section 145 of the <sup>M15</sup>Education (Scotland) Act 1962 or a college of education as defined in the said section 145;
- (i) any business carried on, or any services provided by, such persons or classes of persons as may be prescribed:

Provided that paragraph (b) of this subsection shall not be taken as exempting from the provisions of this Act any other business carried on in conjunction with an agency for the supply of nurses.

- (8) Subsection (7)(c) of this section shall have effect in its application to Scotland as if at the end there were added the words “or mainly or substantially supported by voluntary subscriptions and providing patients with the services of a nurse whether or not the nurse takes up residence in the patient’s house”.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F43** Definition repealed by Employment Protection Act 1975 (c. 71), **Sch. 18**
- F44** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17
- F45** Words substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 27 Pt. II para. 208(b)**
- F46** Word repealed by Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1)(2), Sch. 5 para. 27, **Sch. 6**
- F47** Word “or” and s. 13(4)(c) substituted for s.13(4)(c)(d) by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 18**
- F48** Words in s. 13(7)(f) inserted (1.10.1994 for certain purposes only and 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 50**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, art. 4(1), **Sch.**
- F49** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 50**
- F50** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), s. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F51** S. 13(7)(ga) inserted (1.4.1994 in relation to England and Scotland and 1.4.1995 for all other purposes) by 1993 c. 19, s. 49(2), **Sch. 8 para. 4**; S.I. 1993/2503, art. 2(3), **Sch. 3**

#### Modifications etc. (not altering text)

- C5** S. 13(7)(f) extended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(j)**
- C6** S. 13(7)(f) amended by Local Government Act 1985 (c. 51, SIF 81:1), 57(7), Sch. 13 para. 13(e)

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- C7** S. 13(7)(f) extended by S.I. 1987/2110, art. 2, **Sch. 1 para. 8(g)**  
**C8** S. 13(7)(f) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2), **Sch. 13 para. 20(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

#### Marginal Citations

- M10** 1894 c. 60.  
**M11** 1972 c. 70.  
**M12** 1957 c. 16.  
**M13** 1951 c. 55.  
**M14** 1964 c. 48.  
**M15** 1962 c. 47.

## 14 Short title, repeals, commencement and extent. **E+W+S**

- (1) This Act may be cited as the Employment Agencies Act 1973.
- <sup>X1</sup>(2) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The Secretary of State may, after consultation with such bodies as appear to him to be concerned, by order repeal any provision of any local Act, being a provision which is not specified in Part II of the said Schedule and which appears to him to be unnecessary having regard to the provisions of this Act, or to be inconsistent with the provisions of this Act, and may by that order make such amendments of that or any other local Act as appear to him to be necessary in consequence of the repeal and such transitional provision as appears to him to be necessary or expedient in connection with the matter.
- (4) This Act shall come into force on such date as the Secretary of State may by order appoint, and different dates may be appointed for different provisions and for different purposes.
- (5) This Act does not extend to Northern Ireland.

#### Editorial Information

- X1** The text of s. 14(2) and Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Subordinate Legislation Made

- P1** Power of appointment conferred by s. 14(4) exercised by [S.I. 1976/709](#)

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SCHEDULE **E+W+S**

REPEALS

PART I **E+W+S**

**PUBLIC GENERAL ACTS**

Chapter	Short Title	Extent of Repeal
7 Edw. 7.c. 53.	The Public Health Acts Amendment Act 1907.	Section 85.

PART II **E+W+S**

LOCAL ACTS

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 5. c. 1.	The London County Council (General Powers) Act 1921.	In section 4, the definition of “employment agency” and “licensing authority”. Part III. Section 91.
14 & 15 Geo. 5. c. xciv.	The Manchester Corporation Act 1924.	Part V.
15 & 16 Geo. 5. c. cxv.	The Surrey County Council Act 1925.	Part IX.
16 & 17 Geo. 5. c. lxxxv.	The Guildford Corporation Act 1926.	Part XII.
17 & 18 Geo. 5. c. lxxxviii.	The Liverpool Corporation Act 1927.	Part XVI.
18 & 19 Geo. 5. c. lxxxvii.	The Sheffield Corporation Act 1928.	Part IX.
20 & 21 Geo. 5. c. cxix.	The Leeds Corporation Act 1930.	Part XI.
20 & 21 Geo. 5. c. clxxiv.	The Cardiff Corporation Act 1930.	Part II.
20 & 21 Geo. 5. c. clxxxvi.	The Bootle Corporation Act 1930.	Part XXIV.
21 & 22 Geo. 5. c. cix.	The Brighton Corporation Act 1931.	Part XI.
22 & 23 Geo. 5. c. lxix.	The Bury Corporation Act 1932.	Part V.
23 & 24 Geo. 5. c. xlv.	The Essex County Council Act 1933.	Part V.
25 & 26 Geo. 5. c. cxiii.	The Hertfordshire County Council Act 1935.	Part VIII.
25 & 26 Geo. 5. c. cxxii.	The Birmingham Corporation Act 1935.	Part IV.
25 & 26 Geo. 5. c. cxxiv.	The Newcastle-upon-Tyne Corporation (General Powers) Act 1935.	Part V.
1 Edw. 8 & 1 Geo. 6. c. xxxv.	The West Ham Corporation Act 1937.	Part XIV.
7 & 8 Geo. 6. c. xxi.	The Middlesex County Council Act 1944.	

Employment Agencies Act 1973 c. 35

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. xviii.	The Inverness Burgh Order Confirmation Act 1947.	Part II of the Schedule.
11 & 12 Geo. 6. c. xli.	The Ipswich Corporation Act 1948.	Part IX.
7 & 8 Eliz. 2. c. xxxiii.	The Reading and Berkshire Water & C. Act 1959.	Part VIII.
8 & 9 Eliz. 2. c. iii.	The Glasgow Corporation Consolidation (General Powers) Order Confirmation Act 1960.	Sections 53 to 56 of the Schedule.
8 & 9 Eliz. 2. c. xl.	The Crowdon Corporation Act 1960.	Part X.
1967 c. v.	The Edinburgh Corporation Order Confirmation Act 1967.	Sections 377 to 381 of the Schedule.
1971 c. xlv.	The Teeside Corporation (General Powers) (No. 2) Act 1971.	Sections 33 to 40.
1971 c. ix.	The Torbay Corporation (No. 2) Act 1971.	Sections 67 to 74.

**Status:**

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**Changes to legislation:**

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